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HARBURY, JENNIFER (P)  
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HARBURY, JENNIFER

(P)

Volume N-10

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E4171

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Ex

!Text Message

Priority 2 October 14 1994 08:37 A.M.

!Subject: Mtg w/Jennifer Harbury  
!From: Richard A. Nuccio

!From Richard A. Nuccio: (received Friday 10/14/94 at 07:20 A.M.)

!Select Action - Send Reply                      ★ View Document  
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1 of 1

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B1

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Guatemala  
AM Embassy H32224  
Not Recommended for  
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1994-E-Mails



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**WANG OFFICE**

**Distribution TO:**

**Carol Murphy/ID00005-08881-01626-01049**

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**0005 001115**

ZCZCTWO427

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E4186

ACTION: USIS-1  
INFO: TOTAL-2 POL-1 DCM-1 AMB-1

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RUEHHM/AMCONSUL HERMOSILLO 9741.....  
RUEHRS/AMCONSUL MATAMOROS 6455  
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RUEHNL/AMCONSUL NUEVO LAREDO 1624  
RUEHTJ/AMCONSUL TIJUANA 5548  
XMT AMEMBASSY NASSAU  
AMEMBASSY PORT OF SPAIN  
BT  
UNCLAS SECTION 01 OF 06 STATE 281367

ALL POSTS PLEASE PASS PAO: ROME ALSO FOR VATICAN

E.O. 12356: N/A  
TAGS: OPRC  
SUBJECT: ARA GUIDANCES, FRIDAY, OCTOBER 14, 1994

1. ARA PRESS GUIDANCE OF 10/14/94:

-GUATEMALA: HARBURY/BAMACA CASE-

Q. WHAT COMMENT DO YOU HAVE ON THE NEW YORK TIMES ARTICLE  
TODAY CONCERNING AMCIT JENNIFER HARBURY'S ATTEMPTS TO  
FIND OUT WHAT HAPPENED TO HER HUSBAND, EFRAIN BAMACA, A  
URNG GUERRILLA LEADER?

A. WE VIEW WITH CONCERN THE LACK OF PROGRESS IN RESOLVING  
THE CASE OF EFRAIN BAMACA. WE HAVE PRESSED -- AND WILL  
CONTINUE TO PRESS -- GUATEMALAN AUTHORITIES, BOTH IN THE  
EXECUTIVE BRANCH AND IN THE ARMED FORCES TO CONDUCT A

United States Department of State  
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Date: 08/21/95  
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U D O S 001130

THOROUGH INVESTIGATION TO DETERMINE THE CIRCUMSTANCES  
SURROUNDING HIS DISAPPEARANCE

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AMBASSADOR MCAFEE HAS MET PERSONALLY WITH MS. HARBURY ON  
MANY OCCASIONS -- MOST RECENTLY YESTERDAY -- AS HAVE  
OTHER EMBASSY AND DEPARTMENT OF STATE OFFICIALS TO  
DISCUSS THE SITUATION AND OFFER OUR COOPERATION IN  
FINDING HER HUSBAND.

IF ASKED WHETHER WE THINK BAMACA IS STILL ALIVE:

WE DO NOT KNOW WHETHER MR. BAMACA IS STILL ALIVE, BUT WE  
HAVE ALWAYS PROCEEDED -- AND CONTINUE TO PROCEED -- UNDER  
THE ASSUMPTION THAT HE MAY BE ALIVE.

2. S/SAH PRESS GUIDANCE OF OCTOBER 14, 1994:

-HAITI: FROZEN ASSETS-

Q: DID BIAMBY OR CEDRAS HAVE ANY ASSETS IN U.S. BANKS?

A: THE TREASURY DEPARTMENT DOES NOT HAVE INFORMATION ON  
INDIVIDUAL ACCOUNTS; HOWEVER, WE HAVE NO REASON TO  
BELIEVE THAT THEY HAVE ASSETS OF ANY CONSEQUENCE IN U.S.  
BANKS.

Q: WHAT'S THE ESTIMATE ON THE AMOUNT THAT'S FROZEN IN  
BANK ACCOUNTS OF HAITIANS?

A: I UNDERSTAND FROM THE TREASURY DEPARTMENT THAT AS OF  
SEPTEMBER 15, THERE WAS ABOUT 79 MILLION IN BLOCKED  
HAITIAN ACCOUNTS. BANKS PROVIDED THIS INFORMATION ON A  
VOLUNTARY BASIS. THE 79 MILLION FIGURE DOES NOT  
REPRESENT A COMPLETE ACCOUNTING SO THE FIGURE COULD BE  
HIGHER.

-HAITI: EVENTS SURROUNDING ARISTIDE'S RETURN-

Q: WHAT CAN YOU TELL US ABOUT THE EVENTS TODAY AND  
TOMORROW?

A: PRESIDENT ARISTIDE WAS AT THE WHITE HOUSE THIS  
MORNING WITH PRESIDENT CLINTON. AFTER A SHORT MEETING IN  
THE OVAL OFFICE, PRESIDENT CLINTON AND PRESIDENT ARISTIDE  
MADE BRIEF REMARKS TO INVITED GUESTS. -

THERE WILL BE A DINNER FOR ARISTIDE THIS EVENING AT BLAIR  
HOUSE.

PRESIDENT ARISTIDE WILL DEPART WASHINGTON TOMORROW  
MORNING FOR PORT-AU-PRINCE. THE SECRETARY AND OTHER  
MEMBERS OF THE PRESIDENTIAL DELEGATION WILL ATTEND THE  
CEREMONY AT THE NATIONAL PALACE, DURING WHICH PRESIDENT  
ARISTIDE WILL ADDRESS THE HAITIAN PEOPLE. FOLLOWING  
THIS, PRESIDENT ARISTIDE WILL HOST A LUNCHEON. DURING  
THE AFTERNOON, HE WILL MEET WITH VARIOUS MEMBERS OF HIS  
GOVERNMENT, VARIOUS POLITICAL PARTIES AND INVITED GUESTS.

-HAITI: SITUATION ON THE GROUND-

Q: SITUATION ON THE GROUND?

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E4180A

OK

PA

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Guatemala  
327266

BANACA/HARBURY  
1982-Jan 1995 Cables

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Office of FOI, Privacy, & Classification Review  
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Date: 08/21/95  
Case ID: 951222B1

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VDOS 001132



RELEASED IN PART

B6

ARA Front Office  
R Nuccio  
Guatemala Jennifer Harbury  
Oct. 11, 99 Faxes Received  
ARA 183

*Harbury file* (E4181)

From:

Rogers General Contracting  
Inc.

To:

Richard Nuccio

Fax Phone Number:

1-202-647-0791

Voice Phone Number:

1 202 617 7021

B6

Number of Pages:

2

Date:

10/17/94-11:40:16 AM

Subject:

Jennifer Harbury/Hunger strike

Notes:

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 95A222B1

0005 001133

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Monday

10/17/94 07:54 am Page: 1

ROOM 6253

E4/85

Subject: Harbury Case

Date Received: 10/14/94

Attached is my ASDAR submission on a phone call with Tim Reiser about the Harbury case. I also met yesterday with Sister Dianna Ortiz (who started work at the Guatemala Human Rights Commission/USA office in Washington a month ago) and Santiago Cabrera Lopez, the URNG ex-combatant who claims that he saw Bamaca alive in army custody in 1992. Cabrera has also met with NGOs and with Reiser; he says he was held from March 1991 to December 1992 at an army base in San Marcos, where he saw Bamaca and the 35 other prisoners about whom he testified to the UN Human Rights Commission in 1993. Ortiz demanded that the USG "do more" to find Bamaca, although when I pressed her for specifics beyond what we've already done -- raising it with the President and Minister of Defense; not providing any military assistance since 1990 for human rights concerns; etc. -- she didn't really have a concrete reply, although at one point she said that breaking relations with the GOG might be a good step.

VS OFFICE

Monday

10/17/94 07:53 am Page: 1

ROOM 6253

Subject: Sr. Dianna Ortiz/Harbury

Date Received: 10/14/94

Sister

I'd be happy to meet with her; I've been having it too easy with Cuban Americans lately. Angie, pls call her to set up time.

----- Original Memo -----

Subject: Sr. Dianna Ortiz/Harbury

Date Sent: 10/14/94

Sister Dianna Ortiz, who now works for local NGO (Guatemalan Human Rights Commission/USA) and who has visited and phoned me about the Harbury/Bamaca case, wants to meet with you Monday, Tuesday or Wednesday with about six people from the Assissi Community (where Jennifer Harbury now lives too, although of course right now she is in Guatemala). I told her that you were very busy and that you probably would be saying the same things that I and others have already said about the case, but that I would be happy to pass the request along.

B5

Community is an "intentional living" community; some of the people are clerics (e.g. from the Maryknoll Peace and Justice office) and others are lay people. Let me know if you want me to get back in touch with her; you can reach her directly on (202-529-6599) (office).

Guatemala:

Bamaca/Harbury

1 of 3

9:00 - Oct 20

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VDOS 001139

26 B DECONTROLLED/UNCLASSIFIED

E4188

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MEMORANDUM TO THE FILE

FROM: Ambassador McAfee

SUBJ: A Sunday Morning Chat with Jennifer Harbury

I went down to the Central Plaza Sunday morning October 16 to check on Jennifer Harbury. We chatted for about a half hour. I was seated on a cement block and she on the plastic covered wood palate that has become her home and base of operations. Two of her companions were nearby (Michael and Keri), but they did not join in our conversation. Jennifer said that she was feeling fine. She assured me that she was faithfully taking lots of liquids and the necessary salts (Gator Aid without the juice, as she described it) to prevent mental deterioration. She was applying sunscreen and ascribed the suggestions of sunburn on her arms to her failure to do that on her first day in the Plaza.

I asked if she had had any visitors of note. She said that no one from the government had been to see her, but that Archbishop Penados had been over (his offices are on one side of the Plaza). I suggested that he might be a good intermediary, that he had a very close relationship with the President. Jennifer agreed that he might be helpful, but noted that the Human Rights Office of the Archbishop had said that it would not take on her case despite having initially said that it would. She attributed this to fear of reprisal. (Note: We don't think fear is the factor. The Office regularly takes on tough cases. More likely is the lack of evidence in this case, the same reason they gave for not continuing with the Sister Dianna Ortiz case.) Jennifer confirmed to me that she has an appointment scheduled with MINUGUA Acting Chief Fernando Castanon on October 18.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B2

We talked in general terms about the human rights situation in Guatemala. Jennifer noted that it was appalling and showed no signs of improvement despite the President's good intentions. She said that the government had done nothing to implement the human rights accord and that the UN Verification Mission could not compensate in its efforts for that critical failing. I assured Jennifer that we too were concerned about continuing human rights abuses and the need to have the government implement the letter as well as the spirit of the human rights accords. I noted that there had been progress and we expected there would be more. The peace process itself could bring about important change and reform. Jennifer said the Army was behind all the abuses and rejected my suggestion that the generalized level of violence in the country fed by 34 years of civil conflict had a lot to do with the overall situation. The people are peaceful, she said, it is only the Army that causes the violence. They've got to get out of the government. I

# 327296  
Ambassador Guatemala  
1992-95 Adelscoable  
memos/letters

VDOS 001141

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pointed out the critical need for the development of civilian institutions. As a corollary to getting the military out of government and to the absence of effective civilian authority in many parts of the country where the Army had declined to involve itself in resolving local disputes. She didn't see this as a problem; she thought people could resolve problems at a local level using traditional mechanisms and saw the Army as the only problem.

Discussing Bamaca, I told Jennifer that having pushed very hard on the case when the President and MOD were new to their offices, I was not optimistic now that we would see a change in the position taken by the Army (that they do not have him and do not know of his fate or whereabouts). Where do we go with this, I asked? Jennifer said that there were still face saving ways out and implied that when her condition worsened and the government became more desperate to end her hunger strike, she would advance them. (Note: She has on several occasions told us that in past conversations with MOD General Enriquez she has proposed face saving deals and that General Enriquez had listened in such a way as to convince her that the Army in fact had Bamaca. We were never a party to these conversations and have no evidence that the Army has or had Bamaca. We continue pressing the case against that possibility, but with full awareness that if they did have him the likelihood of his still being alive is now slim.) And if he is not alive, how does this end, I asked Jennifer? If he's been killed, she said, those responsible for his torture and death must be punished.

Some other visitors came up to Jennifer to ask about her hunger strike so I took my leave. I told her that I would be out of country for a few days, but would check on her when I returned. I spoke briefly with her companions before leaving and made sure they had Embassy names and phone numbers. They wanted to know if we could help them get a doctor when and as needed. I assured them that we could and would. I urged them to look after her.

Comment: Jennifer is an intelligent, strong-willed and determined person. She is in this with no intention of backing down. She is also not suicidal. She wants results, not her death. She is aware that pressure can only be increased by her worsening situation. But what happens then?

(Note: A telegram will be sent summarizing recent developments on Ms. Harbury.)

cc: CHRG - JKeane  
CONS - CKeil  
POL - GChester  
ADCM - GChester  
DAO - DKeller  
USIS - DHamill

ARA/CEN - JHamilton  
HSimon  
PWillingham

U D O S 001142

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10/17/94

memorandum to the File

FROM: Ambassador McAfee

SUBJ: A Sunday Morning Chat with Jennifer Harbury

October 16

I went down to the Central Plaza Sunday morning, to check on Jennifer Harbury. We chatted for about a half hour. I was seated on a cement block and she on the plastic covered wood palate that has become her home and base of operations. Two of her companions were nearby (Michael and Keri), but they did not join in our conversation. Jennifer said that she was feeling fine. She assured me that she was faithfully taking lots of liquids and the necessary salts (Gator Aid without the juice, as she described it) to prevent mental deterioration. She was applying sunscreen and ascribed the suggestions of sunburn on her arms to her failure to do that on her first day in the Plaza.

I asked if she had had any visitors of note. She said that no one from the government had been to see her, but that Archbishop Penados had been over (his offices are on one side of the Plaza). I suggested that he might be a good intermediary, that he had a very close relationship with the President. Jennifer agreed that he might be helpful, but noted that the Human Rights Office of the Archbishop had said that it would not take on her case despite having initially said that it would. She attributed this to fear of reprisal. (Note: We don't think fear is the factor. The Office regularly takes on tough cases. More likely is the lack of evidence in this case, the same reason they gave for not continuing with the Sister Dianna Ortiz case.) Jennifer confirmed to me that she has an appointment

scheduled with MINUGUA acting Chief Fernando Castaneda on October 17.

We talked in general terms about the human rights situation in Guatemala. Jennifer noted that it was appalling and showed no signs of improvement despite the President's good intentions. She said that the government had done nothing to implement the human rights accord and that the UN Verification Mission could not compensate in its efforts for that critical failing. I assured Jennifer that we too were concerned about continuing human rights abuses and the need to have the government implement the letter as well as the spirit of the human rights accords. I noted that there had been progress and we expected there would be more. The peace process itself could bring about important change and reform. Jennifer said the Army was behind all the abuses and rejected my suggestion that the generalized level of violence in the country fed by 34 years of civil conflict had a lot to do with the overall situation. The people are peaceful, she said, it is only the Army that causes the violence. They've got to get out of the government. I pointed out the critical need for the development of civilian institutions. As a corollary to getting the military out of government and to the absence of effective civilian authority in many parts of the country where the Army had declined to involve itself in resolving local disputes. She didn't see this as a problem, though people could resolve problems at a local level using traditional mechanisms and saw

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VDOS 001143

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the Army as the only problem.

Discussing Bamaca, I told Jennifer that having pushed very hard on the case when the President and MOD were new to their offices, I was not optimistic now that we would see a change in the position taken by the Army (that they do not have him and do not know of his fate or whereabouts). Where do we go with this, I asked? Jennifer said that there were still face saving ways out and implied that when her condition worsened and the government became more desperate to end her hunger strike, she would advance them. (Note: She has on several occasions told us that in past conversations with ~~the~~ MOD General Enriquez she has proposed face saving deals and that General Enriquez had listened in such a way as to convince her that the Army in fact had Bamaca. We were never a party to these conversations and have no evidence that the Army has or had Bamaca. We continue pressing the case against that possibility, but with full awareness that if they did have him the likelihood of his still being alive is now slim.) And if he is not alive, how does this end, I asked Jennifer? If he's been killed, she said, those responsible for his torture and death must be punished.

Some other visitors came up to Jennifer to ask about her hunger strike so I took my leave. I told her that I would be out of country for a few days, but would check on her when I returned. I spoke briefly with her companions before leaving and made sure they had Embassy names and phone numbers. They wanted to know if we could help them get a doctor when and as needed. I assured them that we could and would. I urged them to look after her.

Comment: Jennifer is an intelligent, strong-willed and determined person. She is in this with no intention of backing down. She is also not suicidal. She wants results, not her death. She is aware that pressure can only be increased by her worsening situation. But what happens then?

(Note: A telegram will be sent summarizing recent developments on this.

cc: COWS - Keil

(Harding.)

Pol - Chertier

ADCM - Chertier

DAO - Keller

USIS - Hamilton

ARA/CON - Ham. (7a)

Simon

Williamson.

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0005 001144

*Jhr: any changes in want to make - del. have a lot to  
but just E-mail or cable - your call.*

E4188A

*Subject: A Sunday Morning Chat With Jennifer Harbury*

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RELEASED

I went down to the Central ~~Plaza~~ Sunday morning to check on Jennifer Harbury.

We chatted for about a half hour. I was seated on a cement block and she on the plastic covered wood ~~flat~~palate that has become her home, and base of operations. Two ~~middle-aged~~ of her companions were <sup>nearby</sup> ~~present~~ (Michael ~~and~~ Keri), but they did not join in our conversation. Jennifer said that she was feeling fine. She assured me that she was faithfully taking lots of liquids and the necessary salts (gator aid without the juice, as she described it) to prevent mental deterioration. She was ~~applying~~ applying sunscreen and ascribed the 'suggestions of sunburn on her arms to her failure to do that on her first day in the Plaza.

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I asked if she had had any visitors of note. She said that no one from the government had been to see her, but that Archbishop Penados had been over (his offices are on one side of the Plaza). I suggested that he might be a good intermediary, that he had a very close relationship with the President. ~~Jennifer~~ Jennifer agreed that he might be helpful, but noted ~~that~~ that the Human Rights Office of the Archbishop had said that it would not take on her case <sup>despite</sup> having initially ~~said~~ that it would. She attributed this to fear of reprisal. (Note: we don't think <sup>fear</sup> ~~fear of reprisal~~ is the factor. The Office <sup>regularly takes on</sup> ~~has taken on~~ tough cases. More likely is that <sup>continuing with</sup> ~~lack of evi-~~ dence in this case, the same reason they gave <sup>for</sup> ~~for~~ not taking on the Diana Ortiz case.).

**Mexico**

We talked in general terms about the human rights situation in Guatemala. Jennifer noted that it was ~~appalling~~ <sup>the President's</sup> and showed no signs of improvement despite good intentions by the ~~President, whom she described as a good man.~~ She said that the government had done ~~nothing~~ <sup>nothing</sup> to implement the human rights accord and that the UN Verification Mission could not compensate in its efforts for that critical failing. I assured Jennifer that we too were concerned about continuing human rights abuses and the need to have the government implement ~~the~~ <sup>the</sup> letter as well as the spirit of the H.R. accord. ~~I~~ I noted that there had been progress and we expected there would be more.

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UDDS 001145

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2  
The peace process itself could bring about important change and reform.  
~~Jennifer said~~ <sup>was</sup> the Army behind all the abuses and rejected <sup>suggestion</sup> the observation that the  
generalized level of violence in the country <sup>has</sup> 34 years of civil conflict

<sup>the overall</sup> had a lot to do with ~~the~~ situation. The people are peaceful,

she said, It is only the Army that <sup>They've got to get out of the government.</sup> causes the violence. <sup>a</sup> I pointed out the <sup>critical</sup>  
need for the development of civilian institutions AS a corollary to getting the  
military out of government and to the absence of effective civilian authority in  
many parts of the country where the Army had declined to involve itself in resolving

local disputes. She didn't see this as a problem, thought people could resolve ~~these~~  
~~these~~ problems at a local level using traditional mechanisms and saw the <sup>Army as the</sup> only problem <sup>is</sup>  
~~getting the Army out of any involvement.~~

Discussing ~~the~~ Bamaca ~~case~~, I told ~~Jennifer~~ Jennifer that having pushed very hard  
on the case when the <sup>their</sup> President and MOD were new to offices, I was not optimistic now  
that we would see a change in the position taken by the Army, <sup>(that they do not have him and do not know</sup>  
~~they did have him and he was to be alive.~~ <sup>Is he?</sup> Where do we go <sup>with this?</sup>

Jennifer said that there were still face saving ways out and implied that when her  
condition worsened and the government became more desperate to end her hunger strike,  
she would advance them, (Note: she has <sup>on several occasions</sup> told us in past conversations with  
the MOD General Enriquez she has proposed face saving deals and that General Enriquez  
has listened in such a way as to <sup>convinced</sup> suggest that <sup>a party to the conversation</sup> to her that the Army in fact had Bamaca.  
We were never present and have no evidence that the Army has or had Bamaca. We continue  
pressing the case against that possibility, but with <sup>now</sup> full awareness that if they did have  
him the likelihood of his still being alive is <sup>slim</sup> ~~small~~). And if he is not alive,  
how does this end, I asked Jennifer? If he's been killed, <sup>he said,</sup> those responsible for his  
torture and death must be ~~not~~ punished.

UDDS 001146

Some other visitors came up to Jennifer to ask about her hunger strike so I took my  
leave. I told her <sup>that</sup> I would be out of country for a few days, but would check on her.

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when I returned. I spoke briefly with her companions before leaving and made sure they had Embassy names and ~~street~~ phone numbers. They wanted to know if we could help them get a doctor when and as needed. I assured them that we ~~street~~ could and would. I urged them to look after her.

Comment: Jennifer is an intelligent, strong-willed and determined person. She is in this with no intention of backing down. She is also not suicidal. She wants respite, not her death. She is aware... That pressure can only be increased by her worsening situation. But what happens then?  
~~She is not suicidal. She is aware...~~

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E4192

ARA PRESS GUIDANCE  
October 19, 1994

RELEASED

**GUATEMALA: HARBURY/BAMACA CASE**

**Q: What comment do you have on the Reuters item in the New York Times today concerning AmCit Jennifer Harbury's hunger strike in Guatemala and her attempts to find out what happened to her husband, URNG guerrilla leader Efraim Bamaca?**

**A: -- WE REMAIN CONCERNED ABOUT THE LACK OF PROGRESS IN RESOLVING THE CASE OF EFRAIN BAMACA, AND WILL CONTINUE TO PRESS GUATEMALAN AUTHORITIES TO CONDUCT A THOROUGH INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING HIS DISAPPEARANCE.**

**-- AMBASSADOR MCAFEE, WHO HAS MET PERSONALLY WITH MS. HARBURY ON MANY OCCASIONS, VISITED HER ON OCTOBER 12 AND OCTOBER 16 TO REITERATE OUR CONCERN ABOUT HER HUSBAND'S SITUATION AND TO CHECK ON MS. HARBURY'S PHYSICAL WELL-BEING.**

**(MORE)**

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B2

Press Harbury  
Guidance Media  
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Guatemala  
Reg. Willingham  
2 of 3

UNCLASSIFIED  
Jennifer Harbury Papers

0005 001148

# UNCLASSIFIED

- MS. HARBURY HAS ALSO BEEN PROVIDED WITH THE EMBASSY'S 24-HOUR EMERGENCY TELEPHONE NUMBER IN CASE SHE NEEDS ASSISTANCE ON AN URGENT BASIS.**
- WE WILL CONTINUE TO PRESS FOR FULL INVESTIGATION AND JUDICIAL PROSECUTION IN ALL CASES OF HUMAN RIGHTS VIOLATIONS IN GUATEMALA.**
- IN ADDITION TO PRESSING THE GOVERNMENT OF GUATEMALA ON INDIVIDUAL HUMAN RIGHTS CASES, WE BELIEVE IT IS ESSENTIAL TO SUPPORT THE ONGOING PEACE PROCESS AS A PRACTICAL WAY OF ADDRESSING SUCH CASES. BECAUSE OF THIS, WE ARE PLEASED TO HAVE WORKED CLOSELY WITH THE GROUP OF FRIENDS OF THE PEACE PROCESS AND THE UN MODERATOR TO FACILITATE THE RESUMPTION OF PEACE TALKS BETWEEN THE GOVERNMENT OF GUATEMALA AND URNG GUERRILLAS IN MEXICO CITY BEGINNING OCTOBER 20.**

SEARAELG 20886 10/19/94  
Drafted: ARA/CEN:PWillingham 73559

UNCLASSIFIED

0005 001149

Cleared: ARA/CEN:JRHamilton UNCLASSIFIED  
ARA/CEN:HSimon  
ARA/PPCP:LMcClenny  
DRL/AAA:MCurtin  
CA/OCS/EMR/ARA:MLemb

UDDS 001150

UNCLASSIFIED



10/19/94 09:29

2001

UNCLASSIFIED

United States Department of State

Bureau of Inter-American Affairs

Washington, D.C. 20520-6258

FAX: 202-647-2597

RELEASED

DATE:

10/19/94

FROM:

Peg W.

ARA/CEN

PEG WILLINGHAM  
GUATEMALA DESK OFFICER

Department of State  
Washington, D.C. 20520-6258

Tel: (202) 647-3381

TO:

Robert Heaps or Margery Lamb

CA/OC5/EMR/ARA

fax # 7 3732

NUMBER OF PAGES:

4

(including cover sheet)

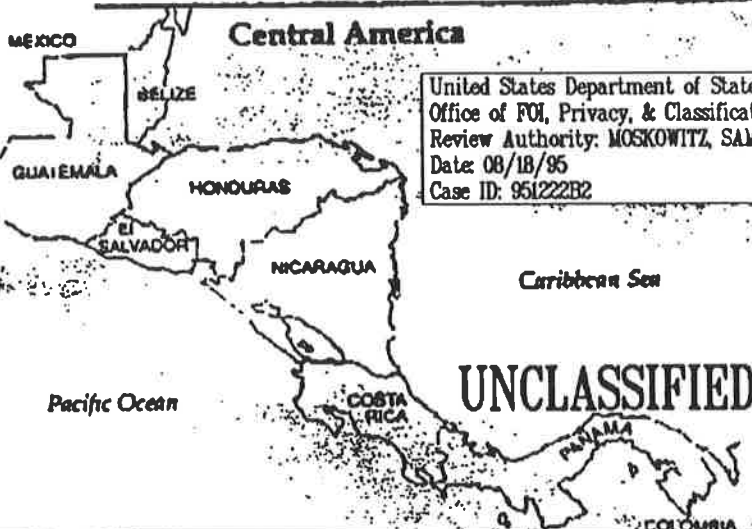
REMARKS:

Pls clear attached

press guidance by 10:30

AM — thx —

Peg W.



Robert - I don't know

VDOS 001153

UNCLASSIFIED

0002

E495A

ARA PRESS GUIDANCE  
October 19, 1994

RELEASED

## GUATEMALA: HARBURY/BAMACA CASE

Q: What comment do you have on the Reuters item in the New York Times today concerning AmCit Jennifer Harbury's hunger strike in Guatemala and her attempts to find out what happened to her husband, URNG guerrilla leader Efraim Bamaca?

A: -- WE REMAIN CONCERNED ABOUT THE LACK OF PROGRESS IN RESOLVING THE CASE OF EFRAIN BAMACA, AND WILL CONTINUE TO PRESS GUATEMALAN AUTHORITIES TO CONDUCT A THOROUGH INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING HIS DISAPPEARANCE.

-- AMBASSADOR MCAFEE, WHO HAS MET PERSONALLY WITH MS. HARBURY ON MANY OCCASIONS, VISITED HER ON OCTOBER 12 AND OCTOBER 16 TO REITERATE OUR CONCERN ABOUT HER HUSBAND'S SITUATION AND TO CHECK ON MS. HARBURY'S PHYSICAL WELL-BEING.

-- MS. HARBURY HAS ALSO BEEN VISITED BY THE EMBASSY'S ~~AMERICAN CITIZEN SERVICES OFFICER~~ AND HAS BEEN PROVIDED WITH THE EMBASSY'S 24-HOUR EMERGENCY TELEPHONE NUMBER IN CASE SHE NEEDS ASSISTANCE ON AN URGENT BASIS.

-- WE WILL CONTINUE TO PRESS FOR FULL INVESTIGATION AND JUDICIAL PROSECUTION IN ALL CASES OF HUMAN RIGHTS VIOLATIONS IN GUATEMALA.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B2

UNCLASSIFIED

U D O S 001154

UNCLASSIFIED

SEARABLE 20886 10/19/94  
Drafted: ARA/CEN:FWillingham 73559  
Cleared: ARA/CEN:JRHamilton  
ARA/CEN:HSimon  
ARA/PPCP:LMcClenny  
DRL/AAA:MCurtin  
CA/OCS/ENR/ARA:RHeaps

UNCLASSIFIED

0005 001155

E4197

RELEASED

Wed. Day 9, 19 Oct 1994

Dear Friends,

The last few days have been packed with interesting events. I remain healthy, though a bit weaker. It's harder to jump up and down but I still walk back and forth to the hotel for a hot shower and phone calls. My eyes are much better now that I have the right eye-drops, though.

Crowds of people are here from 9 AM till nightfall and remain extremely supportive. They say prayers over me, tell me their own stories, share their fears that the army will continue to kill no matter what papers are signed. Several women have come by weeping over family members killed recently. Flowers, change, prayer, notes, and letters continue to flow in. We have 10 hour a day political discussions. (So hey, who needs food anyway?) I was particularly amused when a recent drunk told me to go home, eat, and find someone else. The crowd was about to lynch him.

The press here remains pretty censored but more and more is breaking through. 3 TV channels interviewed me and I gave rowdy answers. Two censored the interview heavily. One broadcast the whole thing. That night a car stopped in front of me with a large rifle (some thought machine gun) hanging out the window. They didn't shoot and clearly feel they cannot. But we are in good communications with each other, even though there have been no formal messages.

Marilyn McAfee, the U.S. ambassador, came out again to ask about my health and safety. She continues to insist that all institutions like courts and police must be strengthened. But cash won't strengthen them until the army no longer controls them. A judge in fear of his life cannot rule correctly. It's money down a leaking sieve. That's why the Harvard Project pulled out so long ago. If no consequences are attached to Everardo's life, why shouldn't the army kill him? Since when has "mentioning" things ever saved a life here?

The foreign press is rolling into gear. UPI, AP, and Reuters have all written, as has the NY Times. The SF Chronicle, Miami Herald, and Christian Science Monitor have interviewed me. Why do I always get my photo taken when I look my absolute worst?

Many people have asked me why I am taking this drastic step. It's really simple. Time is up for Everardo. He is still useful for his military information and as a negotiating chip in the peace talks. The army still has to negotiate the issue of what their role will be after the cease fire and they need him until then, but not for much longer. I calculate I have until X-mas to get him out alive.

I had hoped the peace talks would help but human rights violations have risen dramatically since the Global Accord on Human Rights was signed in March 1994. Evidently the army feels that none of their funding can be cut by the international community as long as they are engaged in a peace process. Compliance is not to be bothered with. All they have to say is "give peace a chance" and their money is safe. Because their money is safe a lot of civilians here are dead. The army is getting rid of opponents.

My negotiations with the army reflect all this. In Jan. 1994 the Minister of Defense bargained openly with me. He did so again in June. In August he would not meet with me at all. He no longer thinks he needs to talk with me.

OAS is wonderful (as are all the other support groups in the US) but a trial in the Inter-American Court—though very powerful—will come too late to save his life. The Verification team hasn't even started yet.

So I am, unhappily, down to this. I will not let them keep Everardo. If the army shoots him, with the clear evidence that exists, plus the outcry from the international community, who will they kill in the future? They are testing us. I will do what I can to make them give on this case. Everardo is not someone I can bear to lose.

Abrazos—

Jennifer

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B2

0005 001156

DRL  
Guatemala

Guatemala Human Rights  
Commission/USA  
3321 12th Street NE  
Washington DC 20017  
Tel: (202) 529-6599

**URGENT  
INFORMATION**

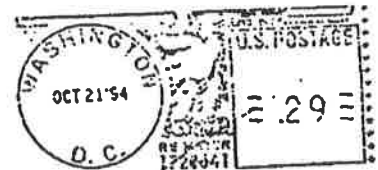
**ADDRESS CORRECTION REQUESTED**

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Amy Monk D  
Department of State Room 7802  
Bureau of Human Rights  
Washington DC 20520



0005 001157



UNCLASSIFIED

United States Department of State

Washington, D.C. 20520  
October 19, 1994

RELEASED IN PART  
B1,A5

CONFIDENTIAL  
MEMORANDUM

TO: DRL - John Shattuck  
FROM: DRL/AAA - Marshall Carter  
SUBJECT: Further Action on the Jennifer Harbury/Efrain Bamaca Case.

As you requested, we will, over the next week, increase our action on efforts to press the Guatemalan government for information on the case of Efrain Bamaca.

I will arrange to meet with Santiago Cabrera Lopez, the Guatemalan who says he saw Bamaca in a clandestine military prison. For your information, [redacted] told the desk that they interviewed Cabrera Lopez at length, and have doubts about the veracity of his story. (See attached.)

B1

We will work with the Guatemala desk regarding calling in the Guatemalan Ambassador so that you (or in your absence Nancy Ely-Raphel) may express our desire for some concrete information on the fate of Mr. Bamaca, and, more generally, our concerns about Guatemala's adherence to international law.

In preparation for this, Mary Curtin and Peg Willingham (who is now the desk officer for Guatemala) are reviewing the files to prepare an outline of the concrete information we have on the case.

CONFIDENTIAL

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B2

UNCLASSIFIED

DDOS 001161



ZCZCTWO655

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ACTION: AMB-1

INFO: DCM-1 POL-1 ECON-1 USIS-1 AID-1 TOTAL-3

DISTRIBUTION: AMBA

CHARGE: PROG

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B1,A3

OO RUEHGT

DE RUEHC #3358/01 2921619

ZNY SSSSS ZZH

O 191619Z OCT 94

FM SECSTATE WASHDC

TO RUEHBE/AMEMBASSY BELIZE IMMEDIATE 1605

RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 1059

RUEHGU/AMEMBASSY MANAGUA IMMEDIATE 6197

RUEHGP/AMEMBASSY PANAMA IMMEDIATE 6359

RUEHSJ/AMEMBASSY SAN JOSE IMMEDIATE 0951

RUEHSN/AMEMBASSY SAN SALVADOR IMMEDIATE 9586

RUEHTG/AMEMBASSY TEGUCIGALPA IMMEDIATE 4583

BT

S E C R E T SECTION 01 OF 02 STATE 283358

FOR AMBASSADOR OR CHARGE FROM ARA/CEN

E.O. 12356: DECL: OADR

TAGS: AMGT

SUBJECT: OFFICIAL-INFORMAL

1. SECRET - ENTIRE TEXT.

2. FOLLOWING IS ARA/CEN ASDAR FOR OCTOBER 18, 1994.  
BEGIN TEXT.

NICARAGUA

(C) GON REQUESTS APPREHENSION OF ANTONIO IBARRA: THE NICARAGUAN CHARGE TODAY DELIVERED A LETTER TO THE SECRETARY REQUESTING PROVISIONAL APPREHENSION OF AMERICAN-NICARAGUAN CITIZEN ANTONIO IBARRA. THE LETTER STATES THAT THE GON IS PREPARING AN EXTRADITION REQUEST FOR IBARRA AS A FUGITIVE FROM JUSTICE UNDER AN ARREST WARRANT CHARGING HIM WITH EMBEZZLEMENT AND "ABUSE OF CONFIDENCE AGAINST THE STATE." WE ARE CONSULTING WITH L ON NEXT STEPS. (GREENTREE)

COSTA RICA

(U) SENATOR DURENBERGER TRAVEL TO SAN JOSE: SENATOR DURENBERGER PLANS A PERSONAL TRIP TO SAN JOSE OCTOBER 28-31, WE LEARNED TODAY. HE HOPES TO TAKE ADVANTAGE OF HIS TIME THERE TO PAY A COURTESY CALL ON EITHER THE PRESIDENT OR THE FONMIN, AS WELL AS AMBASSADOR DE VOS WHO ARRIVES FRIDAY. EMBASSY IS ASSISTING WITH LODGING AND APPOINTMENT REQUESTS. (FARNSWORTH)

HONDURAS

(U) SCHNEIDER TO LEAD DELEGATION TO INTERNATIONAL CONFERENCE ON PEACE AND DEVELOPMENT IN CENTRAL AMERICA: THE U.S. DELEGATION TO THE CONFERENCE WILL BE LED BY MARK SCHNEIDER; JOHN HAMILTON WILL ACCOMPANY. THIS CONFERENCE WILL TAKE PLACE IN TEGUCIGALPA OCTOBER 24-25, AND IS A FOLLOW ON TO DISCUSSIONS IN MANAGUA LAST WEEK. THE

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 954222B2

UNCLASSIFIED

PRESIDENTS OF THE CENTRAL AMERICAN COUNTRIES ARE SCHEDULED TO ATTEND AND WILL PRESENT TALKS ON THE PEACE PROCESS IN LATIN AMERICA, SUSTAINABLE DEVELOPMENT, REGIONAL INTEGRATION, AND INCLUSION OF LATIN AMERICAN COUNTRIES IN THE PROCESS OF ECONOMIC GLOBALIZATION. (ALLISON)

UNCLASSIFIED

PANAMA

(C) NEGATIVE REACTION IN CAMPS TO OCT. 12 MIGRANT POLICY ANNOUNCEMENT BUT ATMOSPHERE REMAINS PEACEFUL: PREDICTABLY, THE NEWS ON THE IMPLEMENTATION OF THE SEPTEMBER 9 MIGRATION AGREEMENT WAS NOT WELL RECEIVED IN THE SAFEHAVENS, IN LARGE MEASURE BECAUSE OF THE REQUIREMENT TO RETURN TO CUBA TO TAKE ADVANTAGE OF THE PROGRAM. IN REACTING TO THE NEWS, CAMP LEADERS EXPRESSED ANGER BECAUSE THEY BELIEVE THE POLICY DOES NOT PROVIDE A REAL OPTION FOR THEM: THEY FEEL THEY CAN'T RETURN TO CUBA AND THEY DON'T WANT TO REMAIN INDEFINITELY IN THE CAMPS. CONDITIONS REMAIN PEACEFUL IN THE CAMPS ALTHOUGH THAT MAY CHANGE IF THE LEVEL OF FRUSTRATION GROWS. (BACA)

GUATEMALA

[REDACTED]

SAID THAT HE MET FOR TWO HOURS WITH THE TWO MEN WHO CLAIM TO HAVE SEEN EFRAIN BAMACA IN MILITARY CUSTODY IN 1992, BUT FOUND THAT, WHEN PRESSED, THE MEN COULD NOT PROVIDE SUFFICIENTLY CONCRETE DETAILS TO SUPPORT THEIR ALLEGATIONS. WHEN ASKED IF THE SITUATION IN GUATEMALA IS ANALOGOUS TO THAT IN PERU, [REDACTED] SAID NO; THERE ARE 4,500 PRISONERS IN CUSTODY BECAUSE OF THE PERUVIAN CONFLICT, HE SAID, WHEREAS [REDACTED] NO PROOF THAT ANY SUCH PRISONERS ARE BEING HELD IN GUATEMALA. [REDACTED]

B1

B1  
B1

B1

(PWILLINGHAM)

REGIONAL

(U) ESSO DISLIKES CENTAM PETROLEUM DISTRIBUTION SYSTEM: ESSO VP THOMAS WHALEY AND COMPANY OFFICIALS COMPLAINED TO US TODAY THAT CENTAM HYDROCARBON MINISTERS AGREED IN SAN JOSE ON SEPTEMBER 7 TO ATTEMPT TO CREATE A PETROLEUM DISTRIBUTION SYSTEM WHICH WOULD SUPPLANT THEIR AND OTHER PETROLEUM COMPANIES' FACILITIES. THE OFFICIALS WERE SOMEWHAT VAGUE ON ASSIGNING MOTIVATION, BUT ATTRIBUTED IT TO REINA'S PIQUE AT RESTRICTED PETROLEUM SUPPLIES IN HONDURAS IN AUGUST (RESULTING FROM A PRICE CAP) AND THE EAGERNESS AND AVARICE OF IADB AND WORLD BANK ADVISORS. THEY HAVE RAISED THIS WITH U.S. EMBASSIES AND PLAN TO VISIT THE TWO BANKS. WE WILL DEVELOP A DEMARCHE WITH EB, SEEING GOVERNMENT OWNED PETROLEUM DISTRIBUTION AS OBSTACLES.

UNCLASSIFIED

UDOS 001163



E4202

Harbury

RELEASED IN PART  
B6

October 19, 1994

Richard Nuccio  
Department of State  
United States of America  
Washington, D.C.

ARA Front Office  
R Nuccio  
Guatemala Jennifer Harbury  
10/19/94 Faxes Received  
ARA 183

RE: Efrain Banaca Velasquez

Dear Mr. Nuccio:

I am writing to you out of deep concern for Efrain Banaca Velasquez who is believed to be held captive by the Armed Forces of Guatemala.

I have reason to believe that he has also been tortured while in captivity. Although the Guatemalan Army has denied his detention, eye witnesses have observed him in their custody and have stated that he has been subject to inhumane treatment and torture.

As a representative to the recent peace negotiations between the Guatemalan government and the URNG, I urge you to pressure the government of Guatemala to present him publicly, allow visitation by representatives of international human rights groups, and comply with the Human Rights Accord which went into effect March 29, 1994. This Accord requires that captured combatants be treated humanely.

The urgency of this situation has recently intensified as his wife, Jennifer Harbury, began a hunger strike on October 11 in front of the National Palace in Guatemala City. She has vowed to continue her fast until her husband is released, presented publicly or until her own death. I urge you to do all in your power to see that his does not happen.

Respect for Human Rights must be restored in Guatemala, please assist this process by vigorously pursuing this case. Please advise me of your thoughts on the matter and your planned intention to achieve a satisfactory resolution of this grave situation. I may be reached at (213) 351-8190.

I remain respectfully yours,

Peter R. Kerndt

Peter R. Kerndt, M.D.

B6

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 95122282

V D O S 001164

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INCOMING TELEGRAM

E4283

# Department of State

PAGE 01 GUATEM 09557 190007Z  
ACTION KRA-00

SAC1446

GUATEM 09557 190007Z

SAC1486

INFO LOC-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CIAE-00  
OAS-00 DODE-00 ED-00 FBIE-00 H-01 TEDE-00 INR-00  
IO-16 LAB-01 L-00 ADS-00 N-00 NSAE-00 NSCE-00  
OCS-06 OIC-02 OMB-01 PA-02 PH-00 PRS-01 P-01  
SKP-00 SP-00 SR-00 SS-00 STR-01 TRSE-00 T-00  
USIE-00 PYB-00 PRME-01 DRI-00 C-00 /066W

7E1CC0 190007Z /34

P 190007Z OCT 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 6491

UNCLAS GUATEMALA 09557

EMOLARA

E.O. 12356: N/A  
TAGS: CASC, PHUN, PINS, PCOV, PINR, ST  
SUBJECT: UPDATE ON JENNIFER HARBURY HUNGER STRIKE

REF: GUATEMALA 9332 AND PREVIOUS

1. SUMMARY: JENNIFER HARBURY HAS ENTERED THE 8TH DAY OF HER HUNGER STRIKE ON BEHALF OF HUSBAND, URGU GUERRILLA COMMANDER EFRAIN BAHACA, WITH STILL LITTLE REACTION FROM THE GUATEMALAN GOVERNMENT AND NO KEY EVIDENCE AS TO BAHACA'S WHEREABOUTS. SHE IS IN GOOD HEALTH, MAINTAINING HER STRENGTH BY DRINKING A SPECIAL SALINE SOLUTION AND TAKING VITAMINS. AMBASSADOR, CONGEN, AND ACS OFFICER HAVE VISITED WITH HARBURY REGULARLY AND CONTINUE TO MONITOR HER WELFARE. HARBURY INDICATED THAT SHE EXPECTS THAT THE GCG WILL

EVENTUALLY BECOME DESPERATE TO FIND A WAY TO END HER HUNGER STRIKE, AT WHICH POINT SHE PLANS TO OFFER THE GCG WHAT SHE TERMS AS "FACE-SAVING" WAYS TO RESPOND TO HER DEMANDS AND END WHAT SHE BELIEVES IS AN EMBARRASSING SITUATION FOR THE GCG. END SUMMARY.

2. JENNIFER HARBURY'S HUNGER STRIKE ON THE CENTRAL PLAZA IN FRONT OF THE NATIONAL PALACE APPEARS TO BE OF CONCERN TO THE GCG YET HAS ELICITED ONLY A LIMITED PUBLIC STATEMENT BY THE MINISTER OF DEFENSE (WOOD) AND MODERATE COVERAGE BY THE MEDIA. THE FACT THAT OTHER PEOPLE ARE CARRYING OUT SIMULTANEOUS HUNGER STRIKES ON THE SAME PLAZA BUT FOR UNRELATED REASONS MAY HAVE DILUTED SOMEWHAT THE PUBLICITY IMPACT OF HER PROTEST. IN THE GCG'S ONLY PUBLIC STATEMENT ON THE CASE DURING THE CURRENT HUNGER STRIKE, THE MOD. MARIO ENRIQUEZ RESTATED IN AN OCT. 11 INTERVIEW THE ARMY'S POSITION THAT IT DOES NOT KNOW WHERE BAHACA IS AND THAT IF THE MILITARY DID HAVE HIM THEY WOULD SURELY HAVE PRESENTED HIM LONG AGO TO THE HUMAN RIGHTS OMBUDSMAN'S OFFICE. HE ADDED THAT IF MS. HARBURY KNOWS WHERE HER HUSBAND MIGHT BE, SHE SHOULD TELL THE GCG AND HE WOULD BE DELIGHTED TO ASSIST HER IN HER SEARCH.

3. THE AMBASSADOR HAS VISITED JENNIFER ON TWO OCCASIONS. IN THEIR CONVERSATIONS, JENNIFER EMPHATICALLY STATED THAT ALL ASSISTANCE TO GUATEMALA, INCLUDING ESP, SHOULD BE CUT OFF UNTIL THE BAHACA AND OTHER HUMAN RIGHTS CASES ARE RESOLVED. THE AMBASSADOR POINTED OUT THAT MILITARY AID HAD BEEN CUT YEARS AGO BUT THAT THE EMBASSY CONTINUES TO BELIEVE THAT INSTITUTIONAL CHANGE AND ITS NECESSARY FUNDING SHOULD CONTINUE IN ORDER TO IMPROVE THE OVERALL CONDITIONS THAT

WILL AFFECT THE FUTURE HUMAN RIGHTS SITUATION. REGARDING HER MOST IMMEDIATE DEMAND THAT BAHACA BE PRESENTED TO HER OR THE COMPETENT GUATEMALAN LEGAL AUTHORITIES IMMEDIATELY, HARBURY NOTED THAT IF, IN FACT, IT TURNED OUT THAT BAHACA HAD BEEN KILLED, THE NEXT GOAL ON HER AGENDA WOULD BE TO WORK FOR THE PUNISHMENT OF THOSE RESPONSIBLE FOR HIS TORTURE AND DEATH.

4. HARBURY SAID THAT ARCHBISHOP PENADOS, WHOSE OFFICES ARE LOCATED ON ONE SIDE OF THE CENTRAL PLAZA, HAD STOPPED BY TO VISIT HER. SHE WAS APPRECIATIVE OF HIS INTEREST BUT NOTED THAT THE ARCHBISHOP'S HUMAN RIGHTS OFFICE HAD REFUSED TO TAKE HER CASE, FOR WHAT SHE ASSUMED WAS FEAR OF REPRISAL. COMMENT: THE ARCHBISHOP'S HUMAN RIGHTS OFFICE HAS HISTORICALLY BEEN WILLING TO TAKE ON A WIDE VARIETY OF SENSITIVE, HIGH-PROFILE HUMAN RIGHTS CASES REGARDLESS OF REPRISAL THREATS. WHILE WE DO NOT HAVE SPECIFIC KNOWLEDGE, WE SUSPECT THAT THE ARCHBISHOP'S OFFICE MAY HAVE REFUSED THE BAHACA CASE BASED ON A PERCEIVED LACK OF EVIDENCE (SIMILAR TO RATIONALE USED IN THE DIANA ORTIZ CASE). END COMMENT. JENNIFER ALSO THANKED THE AMBASSADOR FOR REQUESTING THE ACTING CHIEF OF THE U.N. VERIFICATION MISSION (HINUGUA) TO MEET WITH HER, STATING THAT THE MEETING WAS SCHEDULED FOR OCTOBER 18.

5. IN A SUBSEQUENT VISIT BY THE CONGEN, JENNIFER NOTED THAT SHE WANTED TO MEET WITH MOD MARIO ENRIQUEZ AT SOME POINT, BUT DECLINED THE CONGEN'S OFFER TO REQUEST AN APPOINTMENT FOR HER. KEANE

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2



UDDS 001165

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E4204

BOWMAN CHIROPRACTIC CENTER



ARA Front Office  
RNuccio  
Guatemala Temporarily  
Oct. 11, 94 Fax Received  
ARA 103

2814 N. Washington Blvd.  
Arlington, VA 22201  
TEL. NO. 703-528-2726  
FAX NO. 703-841-9196

DATE 10/19/94

FAX TRANSMISSION TO:

Richard Nuccio  
U.S. State Dept.  
202-647-0791

FROM:

Dr. Mark Bowman

NUMBER OF PAGES INCLUDING COVER SHEET: 4

If you did not receive this number of pages please call the above number immediately

REMARKS:

Please take action; Any help  
is appreciated. Please contact me  
if you need more details

Facsimile messages can be sent 24 hrs a day.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

Jennifer Harbury Papers  
Nettie Lee Benson Latin American Collection

VDOS 001166

RELEASED

E4284A

Dr. Mark Bowman Dr. DruAn Kindred

Bowman Chiropractic Center

October 19, 1994

Mr. Richard Nuccio  
U. S. State Department

Dear Mr. Nuccio:

Jennifer Harbury is a patient and a personal friend of mine. Please take immediate action. This is an emergency. Jennifer could be dead in a matter of days!

Jennifer Harbury is a U.S. citizen who is married to Guatemalan guerrilla commandant Efraim Velasquez (aka Commandante Everardo), began a hunger strike on October 11 in Guatemala City. Harbury is demanding due process for her husband, whom witnesses have seen in clandestine army detention and under torture. Harbury is camped out in front of the National Palace, she plans to maintain the hunger strike until the army produces her husband.

Bamaca disappeared in combat in the Southwest of Guatemala in March 1992. Strong evidence indicates that he was captured and secretly detained by the army. Harbury believes Bamaca is alive. Harbury is concerned that after a peace accord is reached, Bamaca's usefulness will be null and he will be executed.

For further information see enclosures.



Dr. Mark D. Bowman

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

2814 N. Washington Blvd.  
Arlington, VA 22201

Jennifer Harbury Papers

Not in the Benson Latin American Collection

U D O S 001167

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E4204B

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 06/21/95  
Case ID: 951222B2

## GUATEMALA HUMAN RIGHTS COMMISSION/USA

### URGENT ACTION

October 12, 1994.

#### JENNIFER HARBURY BEGINS HUNGER STRIKE TO THE DEATH, DEMANDING HER HUSBAND'S RIGHTS

Jennifer Harbury, a U.S. citizen who is married to Guatemalan guerrilla commandant Efraín Bámaca Velásquez (aka Commandante Everardo), began a hunger strike on October 11 in Guatemala City. Harbury is demanding due process for her husband, whom witnesses have seen in clandestine army detention and under torture.

Harbury is camped out in front of the National Palace with banners that read, "Army of Guatemala: True peace, yes, false peace, no"; "Army, why do you value private property so much but human life so little?"; "Army, what happened to the Human Rights Accord?" and "Everardo, I love you. Your life is my life. I'll wait for you here to the end." Harbury plans to maintain the hunger strike until the army produces her husband.

Bámaca disappeared in combat in the Southwest of Guatemala in March 1992. Strong evidence indicates that he was captured and secretly detained by the army. Amnesty International, other major human rights groups, and members of Congress have given strong support to the case, asking the Guatemalan government to comply with international humanitarian law and turn Bámaca over to a court. The United Nations and the Organization of American States have also called for Bámaca's public presentation.

The Guatemalan government maintains that Bámaca was never captured. Last year the government told Harbury Bámaca was wounded in combat and shot himself through the mouth with his rifle. The government said he was buried in a nearby town. An exhumation of the grave in August 1993 proved that statement false.

Harbury believes Bámaca is alive, given his worth as an information source for the army and as a bargaining chip in peace negotiations that began between the government and the left-wing Guatemalan National Revolutionary Unity three years ago and are expected to conclude in early 1995. Harbury is concerned that after a peace accord is reached, Bámaca's usefulness in terms of intelligence and the peace process will be null and he will be executed.

E42041

## GOLDEN GATE UNIVERSITY

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SCHOOL OF LAW

October 19, 1994

Richard Nuccio  
United States Department of State  
Washington, D.C.

FAX 202-647-0791

RE: Efrain Bamaca Velasquez

Dear Mr. Nuccio,

I read in today's *New York Times* that Jennifer Harbury has begun a hunger strike, hoping to persuade the Guatemalan army to release information about the location of her husband, Efrain Bamaca Velasquez. I hope you will use your influence to intercede with the Guatemalans on Ms. Harbury's behalf.

Jennifer and I were law school classmates at Harvard some 19 years ago, and I have had the privilege of following her career at the bar since our graduation. I know her to be a person of high integrity and credibility. I thus believe that if you examine the evidence she has unearthed, proving that her husband is (or perhaps was, until quite recently) still alive, you will conclude that she is correct. Given that evidence, it seems unconscionable that our nation would help facilitate a peace accord which leaves the army free to execute Mr. Velasquez and other secretly held prisoners.

Please do all you can to resolve this problem, and please let me know what you have done.

Thank you in advance for your efforts. I look forward to hearing from you.

Sincerely,

  
David B. Oppenheimer  
Associate Professor of Law

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

0005 001169

Mailing Address: 536 Mission Street • San Francisco, CA • 94105-2968

Office on 40 Sacramento Street, 16th Floor • San Francisco, CA • Phone: (415) 413-6600 • Fax: (415) 413-6600

Jennifer Harbury Papers

National Law Research Library American Collection

# Marin Interfaith Task Force on Central America

20 Sunnyside Avenue, Suite A-303, Mill Valley, CA 94941 • (415) 388-4820

44204D

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SIR JOHN WHITMORE, B.T.  
Deputy Director, Center for  
International Peace Building, London

October 18, 1994

Richard Nuccio  
U.S. State Department  
FAX: 202-637-0791

Dear Mr. Nuccio:

Several of our membership in both the Marin Interfaith Task Force on Central American and the Friends of Guatemala have met Jennifer Harbury and have followed her search for her Guatemalan husband with great interest. We feel her cause is vital to human rights in Guatemala and urge you to request that URNG combatant Efraim Bamaca Velasquez be presented to the courts and given due process.

The Guatemalan government is in violation of international law regarding prisoners of war as well as their own recently signed Comprehensive Human Rights Accord of March, 1994, which stipulates that captured combatants must be treated humanely.

These accords are meaningless unless enforced and unless the world community insists that they be respected. Jennifer Harbury has put her life on the line. We urge the U.S. State Department to do the diplomatic equivalent. This is the moment of truth for many people in Guatemala.

We are also concerned that countless prisoners may be executed before the signing of a final peace treaty.

We request acknowledgment of this letter.

Sincerely,

*Karen S. Klingel*

Karen S. Klingel, Director  
Marin Interfaith Task Force on Central America

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

0005 001170

EH204E

JOHN A. NELSON

B6

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B6

Mr. Richard Nuccio  
U.S. Department of State  
Washington, DC

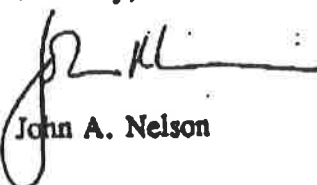
Dear Mr. Nuccio:

Jennifer Harbury, a U.S. citizen, is married to a Guatemalan guerrilla commander, Efraín Bámaca Velásquez, aka Comandante Everardo. Bámaca has been held in a clandestine prison by the Guatemalan military. The military refuses to acknowledge that fact.

The Human Rights accord that went into effect on 29 March 1994 stipulates that captured combatants must be treated humanely. Clandestine prisons and torture—which escaped prisoners have witnessed and described—violate that accord and others.

The Guatemalan military's refusal to comply with negotiated accords and international law is reprehensible, illegal, and immoral. I urge you to pressure the military, in your capacity as a representative of the United States government, to produce Bámaca Velásquez and turn him over to civilian authorities for judicial proceedings.

Sincerely,



John A. Nelson

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

UDOS 001171



E4284F

RELEASED IN PART  
B6October 19, 1994  
Victoria Romanaukas

B6

Richard Nuccio  
U.S. State Department  
(202) 647-9519

Dear Mr. Nuccio,

It is my understanding that Efraim Bamaca Velasquez (aka Commandant Evarado), husband of Jennifer Harbury (a United States Citizen), is being held against the terms of the Geneva Convention in a Guatemalan clandestine army detention center, and under torture. I understand that you are the U.S. representative in the peace negotiations between the Guatemalan government and the URNG. I urge you to pressure the government of Guatemala to comply with the Human Rights Accord which went into effect on March 29 and stipulates that captured combatants must be treated humanely. My heart goes out to Ms. Harbury, and I fear for her safety as well as that of her husband.

Thank you for your efforts, Mr. Nuccio. I am appreciative of any effort you can make to ease this situation.

Sincerely,

*Victoria Romanaukas*

Victoria Romanaukas

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

U D O S 001172

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E4206

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Message Delivery

Log File For: George Chester

Delivery Date/Time: 10/19/94 at 08:29 A.M.

RELEASED IN PART B6  
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## Comments:

Peg: This is a heads up. A Dr. John Berman at [redacted] called here this am to ask about Jennifer, and was referred to the State Dept. I tried to call him back, but his secretary said he was out until the afternoon. You may hear from him. Geo cc: JohnK, JohnC, Len B6

Security: 3

Priority: 3  
-----

Geraldine Chester

VOL1

yes

Leonard Kusnitz

VOL1

yes

Paula Piazza-Campbell

VOL1

yes

John Keane

VOL1

yes

John A. Cushing

VOL1

yes

Peg Willingham

00001-04000-01455-01052 Queued

Dr. John Berman

[redacted]

B6

1 - re Jennifer Harbury  
hunger strike

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

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POL SECTION - 1995-95  
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UDDS 001173

GUATEMALA  
Files  
H.M. Veloz

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

E4208

RELEASED

## Guerrilla's wife stages protest in Guatemala

By EDWARD ORLEBAR  
Special to The Herald

GUATEMALA CITY — They were an unlikely couple: he a Mayan Indian born into poverty, who became a top guerrilla commander, she a New England-born Harvard Law graduate.

The friendship and marriage of Efraim Bamaca, better known as Comandante Everardo, and Jennifer Harbury is causing a headache for the Guatemalan military at a time when it is trying to improve its abysmal image as a

chronic violator of human rights.

To press her case, Harbury, 42, is staging a hunger strike in Guatemala City's main square. She looked fit Wednesday, if a little wan, after eight days without food. And her resolve was undampened.

### Disappeared in 1992

"I'm going to stay here until they present my husband to the courts and follow the law," she said.

Bamaca, who is in his 30s, disappeared after a battle with the Guatemalan army on March 12, 1992. The army said he had been killed in combat and buried.

But, Harbury says she has obtained evidence suggesting he was captured and is being held in a secret military jail.

The army denies holding any guerrillas and says no clandestine jails exist.

In January 1993, Harbury met "Carlos," a former member of

Bamaca's guerrilla unit who had been captured by the army in 1991 and escaped last year.

### A sighting reported

Carlos knew Bamaca well and said he saw him the day of his alleged death when he was brought into the nearby base of Santa Ana Berlin. Carlos told Harbury that Bamaca is one of 36 guerrillas being held by the army as part of an experiment. He described it as an indoctrination program being run by military intelligence with the aim of breaking the guerrillas by physical and psychological torture in order to use them as informants.

Bamaca is considered a valuable asset to military intelligence. The man Harbury met and fell in love with in 1991 while researching a book on Guatemala had spent 17 years in the mountains.

"He is a founder of the guerrillas. He knows every face, every trail, every source of guns. He knows everything," she said.

In July 1993, Carlos, who had been moved to another base, said he saw Bamaca again, strapped to a metal table in the infirmary.

### No proof from government

"They had swollen his whole body, and one arm and one leg were bandaged," Carlos told Harbury. He said her husband appeared to have been drugged because he was babbling, but he was alive. Soon after this last sighting, Carlos escaped.

He is due to testify this month to the Inter-American Human Rights Commission of the Organization of American States and has given Harbury the names of officers — including a colonel and a major — who he says have tortured Bamaca.

An attempt by the army to prove that Bamaca was buried proved embarrassing. An exhumation in August 1993 unearthed a shorter, younger man, who appeared to have been shot with his hands tied behind his back.



Associated Press

COOLING OFF IS TEACHERS ACT STEAMER UP

# UNCLASSIFIED RELEASED Department of State

INCOMING  
TELEGRAM

E4209

PAGE 01 GUATEM 09600 200023Z  
ACTION ARA-00

SNC0511

GUATEM 09600 200023Z

SNC0511

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 A-00 CA-02  
CCO-00 CIAE-00 CTHE-00 OASY-00 DODE-00 DS-00 ED-00  
FBIE-00 FBO-00 H-01 INHC-01 TEDE-00 INR-00 IO-16  
LAB-01 L-00 ADS-00 H-00 NSAE-00 NSCE-00 OCS-05  
OIC-02 OMB-01 OPR-00 PA-02 PH-00 PRS-01 P-01  
SCT-03 SHP-00 SP-00 SR-00 SSO-00 SS-00 STR-01  
TRSE-00 T-00 USIE-00 USSS-00 ASDS-01 PHS-00 BSCC-00  
PRME-01 DRL-05 G-00 /074V

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FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 6523

UNCLAS GUATEMALA 093600

E.O. 12356: N/A  
TAGS: CASC, PHUN, PINS, PCOV, PIMB, GT  
SUBJECT: BARBURY HUNGER STRIKE READY FOR DEMONSTRATIONS

REF: GUATEMALA 9557 AND PREVIOUS

1. SUMMARY: JENNIFER BARBURY, IN THE NINTH DAY OF HER HUNGER STRIKE IN FRONT OF THE NATIONAL PALACE, IS BEGINNING TO SHOW THE EFFECTS OF NINE DAYS OF NO FOOD, LITTLE SLEEP, AND EXPOSURE TO THE ELEMENTS, ALTERNATING BETWEEN BLAZING SUN AND POURING RAIN. DESPITE THE STRESS, WHICH IS BEGINNING TO SHOW IN HER FACE, SHE IS STILL FIRM IN HER RESOLVE TO CONTINUE THE STRIKE UNTIL SHE RECEIVES SOME

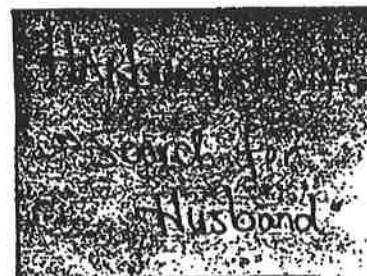
RESPONSE FROM THE GOV. SHE IS LOOKING FORWARD TO THE "REVOLUTION DAY" OCT 20 DEMONSTRATIONS THAT ARE SCHEDULED TO TAKE PLACE ON THE PLAZA, MANY OF WHICH WILL UNDOUBTEDLY INCLUDE HER CAUSE IN THEIR PROGRAM. END SUMMARY.

2. ACS CONSULAR OFFICER VISITED JENNIFER TODAY AS WORKERS WERE SETTING UP HUGE SPEAKERS AND LIGHTS 30 YARDS FROM HER POSITION IN PREPARATION FOR TOMORROW'S REVOLUTION DAY ACTIVITIES. ALTHOUGH SHE LOOKED WEARY AND WAS DOZING UNDER A SHEET OF PLASTIC AND A STRAW HAT TO PROTECT HER FACE FROM THE BLAZING SUN, CONOFF FOUND HER TO BE MENTALLY ALERT AND IN GOOD SPIRITS. WELL-KNOWN GUATEMALAN HUMAN RIGHTS ACTIVIST, AMILCAR MENDEZ, STOPPED BY TO VISIT HER AT THE SAME TIME. HE THANKED THE EMBASSY FOR SHOWING INTEREST IN HER CASE AND SAID THAT HE AND HIS SUPPORTERS VIEWED JENNIFER'S STRUGGLE AS A REPRESENTATIVE PROTEST ON BEHALF OF THE 55,000 INDIGENOUS PEOPLE WHO HAVE BEEN SECRETLY DETAINED AND TORTURED BY THE GUATEMALAN MILITARY OVER THE YEARS. HE INFORMED JENNIFER THAT A DEMONSTRATION IN SUPPORT OF HER CAUSE HAS PLANNED FOR TONIGHT (OCT 19) AT THE CENTRAL PLAZA. IN ADDITION, HE NOTED THAT HER HUSBAND'S CASE AND HER VALIANT PROTEST WOULD BE MENTIONED BY ALL HUMAN RIGHTS GROUPS IN TOMORROW'S PROGRAM.

3. JENNIFER TOLD CONOFF THAT SHE HAS RELATED HER STORY COUNTLESS TIMES TO A STEADY STREAM OF REPORTERS AND WELL-WISHERS, INCLUDING A CBS CREW THAT INTERVIEWED HER TODAY. SHE SAID THAT WHILE THE STORY WAS APPEARED IN A WIDE VARIETY OF U.S. MEDIA, GUATEMALAN REPORTERS HAVE TOLD HER THAT MILITARY PRESSURE HAS RESULTED IN CENSORSHIP OF MUCH OF THEIR REPORTING ON HER PROTEST. ON THE BRIGHT SIDE,

JENNIFER INFORMED CONOFF THAT THE ARCHBISHOP HAD DECIDED TO TAKE BAHACA'S CASE AND THAT SHE HAD SUBSEQUENTLY MET WITH ONE OF THE ARCHBISHOP'S OFFICE OF HUMAN RIGHTS STAFF MEMBERS. SHE ALSO MET BRIEFLY WITH THE ACTING CHIEF OF MINUGUA AND PRESENTED HER CASE IN DETAIL TO MEMBERS OF HIS STAFF. JENNIFER REALIZES THAT THE COMMISSION IS STILL NOT SET UP TO BEGIN TAKING CASES FORMALLY AND NOTED THAT SHE IS

NOT VERY CONFIDENT THAT THEIR MISSION IN GUATEMALA WILL PROVE SUCCESSFUL. SHE EXPRESSED HER DISAPPOINTMENT THAT THE MINISTER OF DEFENSE HAD NOT YET MADE ANY POSITIVE OVERTURES TO HER AND STATED THAT IF HER HUNGER STRIKE PROVES UNSUCCESSFUL, SHE WILL NOT HESITATE TO TAKE GUATEMALA TO COURT AND PUBLICLY NAME ALL MILITARY MEMBERS IMPLICATED IN THE TORTURE AND DETENTION OF HER HUSBAND. KEANE



United States Department of State  
Office of FOI, Privacy, & Classification Review  
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Date: 08/21/95  
Case ID: 951222B2

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RELEASED IN PART  
B1,A5

E4210

To: The Files  
Subject: Jennifer Harbury: Conversation with Prosecutor General  
From Charge John F. Keane, Guatemala  
Date: October 20, 1994

I called on Prosecutor General Acisclo Valladares on October 19 to discuss the Jennifer Harbury case. I told him I thought that this has the potential for causing major harm in our relations with Guatemala and that the Guatemalan Government needs to find a solution. Valladares told me he shared my concern about Harbury, but also about the other hunger strikers now in front of the National Palace, an invalid war veteran of the Army (who complains of GOG negligence regarding his medical care) and the fired workers of the National Reconstruction Commission. All the hunger strikers have valid complaints that are likely to have resonance.

I asked him if he had any ideas on what the GOG might do to help resolve or, in the short term, at least diffuse the Harbury situation until a means for resolving it can be found. He had no suggestions.

I then raised several thoughts, from the most obvious non-starters

[redacted] through the Human Rights Ombudsman and the Attorney General (Fiscal General, Ramses Cuestas), to the appointment of a Special Prosecutor to investigate. He took notes but did not react. I then asked what he thought about having the ICRC look into the case, but he ruled it out, since Guatemala has never accepted an ICRC role here. I asked about U.N. Human Rights Observer Monika Pinto. [redacted]

[redacted] I mentioned former UNHR Observer Cristian Tomuschat. He took a note but did not react.

I suggested that the Minugua could take on her case, pointing out that it could be within its mandate as described to us by Acting Minugua Chief Fernando Castanon (i.e., that the Minugua's mandate is prospective, not to look into the past, which is the role of the Historical Clarification Commission. However, since Bamaca is still missing, and the accusation is that he was once and remains a political prisoner, Minugua might take it on.) This could be done at the President's urging, which would demonstrate strong GOG interest. Acisclo remained immutable, but took a note.

GUATEMALA  
ARA (Cen - Peg Willingham)  
Memos, Harburg Email  
2 of 3 (ARA)

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

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## UNCLASSIFIED

Once I finished, Valladares remarked that he had just that morning begun to focus on the issue and needed time to think it through. He remarked that he had never mulled over the implications of hunger strikers, from the legal standpoint. He offered an opinion, noting that he had not considered it carefully, that people should not be allowed to carry out hunger strikes in place where they can disturb the peace. He asked what I thought about stopping people within a few hours of commencing such actions, before they attract notoriety, or of removing them to a location where they will not be a potential threat to order. I disagreed strongly, pointing out the fundamental rights of petition, of assembly and of free speech, which could only be restricted to protect other citizens from harm. As far as removal, I noted that the only justification would be if the person(s) were blocking access to public buildings or interrupting transit to a degree as to become a significant public nuisance. He agreed.

Valladares commented that he had visited the other strikers, but not Harbury (with no explanation). I urged him to do so, noting that no significant GOG official had visited her, and he said he would. We agreed to discuss the case further after he had a chance to reflect on it.

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0005 001185

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E4215A

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**GUATEMALA**

(C) Meeting with Amb. Mulet: John Hamilton, Rick Nuccio and Peg Willingham lunched today with Ambassador Mulet, who said that his embassy has been inundated with calls about the Jennifer Harbury case but has received no guidance from Guatemala on how to handle these inquiries. He said that he has warned the GOG that Minister of Defense Enriquez can expect the Harbury case to dominate his proposed visit to Washington next month. Mulet said that the army admitted that it had held the two URNG ex-combatants who claim to have been held with Bamaca, but said that they surrendered voluntarily. Hamilton told Mulet that the GOG needs to take steps to address this case, perhaps by inviting the UNHRC independent expert or some other human rights adviser to conduct an inquiry. Mulet, who will be in Guatemala next week for consultations, undertook to share these views with the GOG. (PWillingham)

United States Department of State  
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Date: 08/21/95  
Case ID: 951222B2

U D O S 001186

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E4216

RELEASED

!Text Message

Priority 2 October 21 1994 10:16 A.M.

!Subject: Call from NSC re Harbury  
!From: Peg M. Willingham

!From Peg M. Willingham: (received Friday 10/21/94 at 10:12 A.M.)

!Select Action - Send Reply  
- Forward Message  
- Delete Message

\* View Document  
- Copy Document

1 of 1

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

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**WANG OFFICE**

**Distribution TO:**

**John Keane/ID00005-08881-01048-00645**

**Paula Piazza-Campbell/ID00005-08881-01072-01396**

**Carol Murphy/ID00005-08881-01626-01049**

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Jennifer Harbury Papers

Notis Lee Benson Latin American Collection

**0005 001188**

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E4216A

Robert Malley of the NSC called this morning to say that he has been tasked with presenting his bosses with options on what the USG/NSC should do about the Harbury case. He has been told by Nancy Soderbergh and others that "we need to do more." He has also spoken with Rick Nuccio about this. He has also seen the 12 or so pages of background info faxed to Manuel Rocha a few days ago.

I asked him for some guidance -- what kind of things do his bosses have in mind? He wasn't sure, and thinking aloud, said perhaps conveying a message from President Clinton to Pres. De Leon about our interest in the case. He also asked me to fax him info on how much aid we give Guatemala.

I told him that John Hamilton was going to be speaking with Amb. McAfee and later with Amb. Watson about this case and that we would let him know what we are contemplating; meanwhile I'm faxing him the AID info and Sen. Leahy's letter to MOD Enriquez.

*spec. investig.*

United States Department of State  
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Case ID: 951222B2

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0005 001189

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E4216B

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No  
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POLICY  
FORM

FOIA

Guatemala

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0005 001190

VS OFFICE

UNCLASSIFIED

Friday

10/21/94 09:23 am Page: 1

E4219

To: Peg M. Willingham  
From: Peg M. Willingham  
Subject: Guat Defense Attache Mtg

ROOM 4915

Date Received: 10/21/94

I met yesterday with Captain Marcos Sanchez, who is the assistant to Guatemala's Defense Attache, Col Benjamin Godoy (who is out of town). Sanchez wanted to meet with me to discuss MOD Enriquez's proposed visit, but we spent most of our 45-minute meeting discussing the Harbury case. [REDACTED]

[REDACTED] He mentioned that they were taken aback by Sen. Leahy's letter to Enriquez about the Harbury case, adding that NGOs had free access to Tim Reiser, whereas the attache's office has difficulty in getting appts. with him. Sanchez also asked how much IMET we asked for this year (I wasn't sure but thought it was \$200,000) and if it was likely to be jeopardized by the Harbury case (I said it wasn't unlikely....)

Re Enriquez's visit, Sanchez read from a document listing (in English) the MOD's objectives: to discuss "the peace process, army support for the consolidation of democracy, the future of the army after the peace process; current and planned efforts by the Ministry of Defense to improve civil-mil. collaboration on behalf of institution-building and sustainable democratic institutions."

GUATEMALA  
ARA (Cen-Peg Willingham)  
Memos, Harburg Email  
2 of 3 (ARA)

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B6

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 954222B2

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U D O S 001192

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Friday

RELEASED IN PART B1A3  
10/21/94 12:35 pm Page: 1

To: Peg M. Willingham  
From: Peg M. Willingham  
Subject: Harbury/Bamaca file

ROOM 4915

Date Received: 10/21/94

E4220

I have reviewed our files for 1993 and 1994, CASC and PHUM, and have come up with quite a lot. However, I have some questions based on my reading of the file:

1) Do we have a copy of the detailed description of Bamaca reportedly sent by the GOG to then-Ombudsman de Leon, for him to pass on to the URNG and Harbury? This is key, since it would show bad faith/strange behavior by the GOG. Why would they have this description of him if they didn't have him in captivity (or at least his remains)?

2) Does the consular section have a copy of the video made of the August 17, 1993 exhumation? (The reporting cable said the consular officer was given a copy.)

3) Do you have a copy of any GOG response to either a March 93 letter to Serrano signed by 32 members of Congress or a July 93 letter from Jimmy Carter to Serrano on this case?

4) A judge and Ministerio Public official both told the consular officer at the August 1993 exhumation that the case would remain open until Bamaca is identified -- a line we repeat in our form letter on this issue. 14 months later, can we still say that the GOG says "the case remains open", particularly since some reports show the Ministry of Defense saying they never had him, thus seeming to close the case?

5) Do you have 93 Guat 10416, entitled [redacted] that reports his second-hand info on the case? I'm afraid I don't have the number but I will try to get it. B1

6) On January 7, 1994, MOD Enriquez told the Amb that the Ministry did a "meticulous investigation" of the case and had come up with nothing. Can we ask for a copy of that "investigation"?

I am also tracking down what the UNHRC independent experts have said on this issue but if you all know off the top of your heads, that would be very helpful.

Thanks a lot - Peg

----- Original Memo -----

To: Peg M. Willingham  
Subject: Harbury/Bamaca file

From: John Keane  
Date Sent: 10/19/94

## Comments:

Peg: lots of misinformation flying. I have asked all agencies here to assemble all info we have on Bamaca, and all info on what MOD or any other GOG source has said about possible fate of Bamaca. We should have by COB Friday. jfk

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B2

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GUATEMALA  
ARA (Cen - Peg Willingham)  
Memos, Harburg Email  
2 of 3 (ARA)

UDOS 001193

UNCLASSIFIED

VS OFFICE

Friday

10/21/94 12:11 pm Page:

1

To: Peg M. Willingham  
From: Peg M. Willingham  
Subject: Call from NSC re Harbury

ROOM 4915

RELEASED

Date Received: 10/21/94

E4232

Robert Malley of the NSC called this morning to say that he has been tasked with presenting his bosses with options on what the USG/NSC should do about the Harbury case. He has been told by Nancy Soderbergh and others that "we need to do more." He has also spoken with Rick Nuccio about this. He has also seen the 12 or so pages of background info faxed to Manuel Rocha a few days ago.

I asked him for some guidance -- what kind of things do his bosses have in mind? He wasn't sure, and thinking aloud, said perhaps conveying a message from President Clinton to Pres. De Leon about our interest in the case. He also asked me to fax him info on how much aid we give Guatemala.

I told him that John Hamilton was going to be speaking with Amb. McAfee and later with Amb. Watson about this case and that we would let him know what we are contemplating; meanwhile I'm faxing him the AID info and Sen. Leahy's letter to MOD Enriquez.

GUATEMALA  
ARA (Cen - Peg Willingham)  
Memos, Harburg Email  
2 of 3 (ARA)

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 954222B2

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0005 001202

B6

3/09c

10/21/94

Barring a shooting or stabbingPrior to 20 days -

minor problems - I decide

↑  
med care  
authorized

Coma, kidney failure - hospital OK

After 20 days

no medical intervention

unless I authorize it

I Am now competent -

on 21 Oct 1994 and refuse

all medical treatment. I know

it will become ill &amp; incompetent

as part of the death process &amp;

therefore make the decision now.

Only if I specifically change

my mind &amp; authorize treatment

should this be reversed.

Jennifer L. Harbury  
Oct 21, 1994Mary & Dorothy  
PARENTS - Dr. & Mrs Harbury -

VIVIAN, S.A

B6



UNCLASSIFIED

RELEASED

W2600T

E4240

October 21, 1994

MEMORANDUM

TO: The Ambassador

THRU: DCM - John Keane

FROM: CONS - Chuck Keil

As per our discussion last night, we have taken a number of steps to increase Embassy support for Jennifer Harbury as her hunger strike moves towards its third week. Marty Donnelly has issued instructions for the Embassy's National Police patrols to monitor Ms. Harbury's welfare on a regular basis (attachment 1). Carolyn Gorman met with Jennifer this morning for a regular status update and also to discuss her plans/wishes should medical assistance be required during the course of her vigil. Jennifer was quite clear that she wants to make her own decisions, and that she does not want any medical treatment for conditions arising as a result of her fast. She did provide instructions and financial information to facilitate emergency medical treatment at Herrera Llerendi should that become necessary for other reasons. A copy of Carolyn's update is attached. She will turn out a telegram after you have had the opportunity to review the situation.

I will be leaving for Coatepeque and a white water rafting trip on the Rio Naranjo this afternoon. Carolyn will be in town, and plans to visit Jennifer tomorrow (Saturday). I expect to return to the city late tomorrow night, and will visit Jennifer on Sunday. In view of Jennifer's comments that she now tires easily when visiting with well wishers, Carolyn thought it best that we limit official Embassy visitors to you, me, and Carolyn. I certainly agree.

Attachments: as stated

doc 3120c

327225  
ANEMBASSY GUATEMALA  
CONSULAR SECTION

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/21/96  
Case ID: 954222B3

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0005 0012171

DATE: October 21, 1994

FROM: Carolyn Gorman - CONS

SUBJECT: Jennifer Harbury's Instructions on Medical Treatment

I visited Jennifer this morning at the Plaza Central. I asked her what her wishes are concerning medical treatment and who she would like to authorize to take decisions on her behalf should she become ill or injured and incapable of taking her own decisions. Her wishes are as follows:

She will make her own decisions.

First 20 Days: She does not authorize medical treatment unless she should experience an unexpected failure of major organs (i.e. kidney failure) or fall into a coma. Her friends will send her to the hospital in that case.

After 20 Days: She does not authorize any medical treatment. She understands that illness and loss of mental faculties is part of the "death process." (at the 20-day point, she will re-affirm or change these instructions).

Injury as a Result of Physical Assault: If she is shot, stabbed or otherwise seriously attacked by an assailant, she would like to be sent to hospital immediately. (by friends).

Hospital of Choice: Herrera Llerandi

Payment Arrangements: Jennifer has advised her friends that her gold master card is in a bag around her neck and that 2 other credit cards are in the Spring Hotel security deposit box. The key is in her bag in her room. If for some reason those credit cards are not yet available when she enters the hospital, she authorized me to put the \$2,000.00 deposit on my credit card and promised that she or her parents would pay me back.

Doctor to Monitor Condition: I told her that the Embassy does not have an Embassy doctor but that I would be happy to ask the Post Medical Advisor, Dr. Garcia Bravatti, if he would be willing to stop by periodically to assess her condition, (for a fee of course). I provided Jennifer with his name, address and tel. number. Her friends have already found a doctor willing to visit her free of charge. She will let us know if she needs our assistance in finding another doctor.

Misc. Matters: I advised her that Nat. Police assigned to the Embassy would include her area in their roving patrols. Jennifer also informed me that Asisclo Valladares stopped by on the evening of Oct. 19 and told her if she needed anything to feel free to stop by his office.

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0005 001221

5.A (PA)

UNCLASSIFIED RELEASED IN PART  
B1,A3,A5

EX  
E4241

CONFIDENTIAL

sent 10/21/99

TO: Anne Patterson  
~~Rick Moseio~~  
John Hamilton  
Peg Willingham

FROM: Ambassador McAfee

SUBJ: Jennifer Harbury

On the margins of several events commemorating the October 20 revolution, I raised Jennifer Harbury with several GOG officials, stressing the importance of the case and the urgency of finding a solution.

Acisclo Valladares said he had spoken briefly with Jennifer on October 19, but he would be returning to talk further with her.

I raised Harbury with Presidential Chief of Staff Col. Perez Molina, stressing the importance of the problem and the impact her hunger strike is having on Washington thinking about Guatemala. He seemed surprised and had no immediate ideas of what might be done, except to suggest COPREDAM which I rejected as pointless. I urged him to give it priority attention and to contact us with any ideas on how to resolve it, mentioning the possibility of a special international investigator. I also raised Harbury with the Minister of Defense at a military headquarters celebration, noting how serious the situation is and the strength of Washington reaction. The previously friendly and cordial Enriquez immediately tightened up and revealed some anger, remarking that Guatemala's opponents are very agile. He indicated no plans to do anything to try to resolve the problem.



B1

NO  
CLAS  
INFO RECD  
IN CONF  
FR FOR  
GOVT  
classified  
DA

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United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 08/21/95  
Case ID: 951222B3

327225  
AMEMBASSY GUATEMALA  
POLITICAL SECTION

UNCLASSIFIED

0005 001222

RELEASED IN PART  
B6  
UNCLASSIFIED  
Department of State

INCOMING  
TELEGRAM

E424R

PAGE 01  
ACTION ARA-00

8062596

GUATEM 09680 2200312

8062596

EMERGENCY TELEPHONE NUMBERS. IN CASE OF EMERGENCY, JENNIFER  
HARBURY'S PARENTS, DR. AND MRS. HENRY HARBURY CAN BE  
REACHED AT [REDACTED] NCAFE

B6

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CINE-00  
OAS-00 DODE-00 ED-00 FBIE-00 H-01 TEDE-00 INR-00  
IO-16 L-00 ADS-00 W-00 NSAE-00 NSCE-00 OCS-00  
OIC-02 OMB-01 PA-02 PM-00 PRS-01 P-01 SWP-00  
SP-00 SR-00 SS-00 STR-01 TRSE-00 T-00 USIE-00  
PMB-00 PRNE-01 DOL-00 G-00 /065V  
-----600349 2200322 /38

P 220025Z OCT 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 0676

UNCLAS GUATEMALA 009680

E.O. 12356: N/A  
TAGS: CASC, PHUM, PINS, PCOV, PINK, GT  
SUBJECT: HARBURY - MEDICAL AND SECURITY ISSUES

Emc/ARA

REF: GUATEMALA 9680

1. ACS CONOFF VISITED JENNIFER HARBURY ON OCT. 21, THE  
11TH DAY OF HER HUNGER STRIKE. MS. HARBURY TOLD CONOFF THAT  
SHE AUTHORIZES HOSPITALIZATION ONLY IN CASE OF SERIOUS ORGAN  
FAILURE OR COMA DURING THE FIRST 20 DAYS OF HUNGER STRIKE OR  
IN CASE OF SERIOUS BODILY INJURY RESULTING FROM PHYSICAL  
ASSAULT AT ANY TIME DURING HER PROTEST. AFTER THE FIRST 20  
DAYS, SHE DOES NOT WANT ANY MEDICAL TREATMENT UNLESS SHE  
AUTHORIZES, NOTING THAT SHE IS FULLY AWARE THAT SHE WILL  
BECOME ILL AND INCOMPETENT AS PART OF THE "DEATH PROCESS."

MS. HARBURY GAVE A SIGNED COPY OF THE ABOVE INSTRUCTIONS TO  
CONOFF AND TO HER FRIENDS. IN CASE OF AUTHORIZED MEDICAL  
TREATMENT, SHE PREFERS TO BE TREATED AT A PRIVATE HOSPITAL  
AND IS ABLE AND PREPARED TO PAY THE NECESSARY FEES.

2. A LOCAL DOCTOR HAS AGREED TO VISIT HER PERIODICALLY TO  
ASSESS HER CONDITION. CONOFF ADVISED MS. HARBURY THAT  
EMBASSY DOES NOT HAVE A DOCTOR ASSIGNED TO ITS STAFF BUT  
OFFERED TO CONTACT THE POST MEDICAL ADVISOR AT A LOCAL  
HOSPITAL SHOULD SHE SO DESIRE.

3. EMBASSY RSO HAS INSTRUCTED NATIONAL POLICE "ROVING  
PATROLS" ASSIGNED TO THE EMBASSY TO CHECK ON HER SAFETY AND  
GENERAL CONDITION THREE TIMES PER DAY AND EVERY 60 - 90  
MINUTES DURING THE NIGHT. IN ADDITION TO REGULAR CONSULAR  
VISITS DURING THE WEEKDAYS, CONSULAR OFFICERS WILL ALSO  
VISIT MS. HARBURY ON WEEKENDS.

4. HARBURY REPORTED THAT THE HEAD OF THE PUBLIC MINISTRY,  
ASISCLO VALLADARES, STOPPED BY TO SEE HER BRIEFLY ON THE  
EVENING OF OCTOBER 19. HE TOLD HER TO FEEL FREE TO VISIT  
HIM AT HIS OFFICE IF HE COULD ASSIST HER IN ANY WAY.  
HARBURY WAS RATHER CYNICAL WITH REGARD TO VALLADARES'  
GESTURE, POINTING OUT THAT SHE WAS NOT CONVINCED OF THE  
SINCERITY OF A MAN WHO, IN HIS ROLE AS ATTORNEY GENERAL IN  
1992, HAD RUSHED TO THE SITE OF THE FIRST EXHUMATION ATTEMPT  
AND, IN A FURY, ACCORDING TO HARBURY, HAD DEMANDED THAT THE  
PROCESS BE HALTED BECAUSE THERE WERE NO WING OR FAMILY  
MEMBERS PRESENT TO IDENTIFY THE BODY. COMMENT: VALLADARES  
CLAIMS HE STOPPED THE PROCEEDING BECAUSE NO ONE WAS PRESENT  
WHO SAID THEY COULD IDENTIFY BANACA, NOR WAS THERE ANY OTHER

MEANS BY WHICH TO IDENTIFY THE CADAVRE (DENTAL RECORDS,  
X-RAYS OF BROKEN BONES, DNA, JEWELRY, CLOTHING, ETC.), SO HE  
HAD AN OBLIGATION TO TERMINATE A FUTILE EXHUMATION.  
HARBURY AT THE TIME REFUSED TO IDENTIFY HERSELF AS BANACA'S  
WIFE, STATING LATER THAT SHE WAS AFRAID. END COMMENT.

5. CONOFF GAVE HARBURY'S FRIENDS A LIST OF EMBASSY

United States Department of State  
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Date: 08/21/95  
Case ID: 951222B3



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UOOS 001226

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RELEASED

E4252

Chuck,

For your information.

Marty  
10/24/94

Carolina  
F4E  
F4

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/22/95  
Case ID: 951222B3

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327225  
AMEMBASSY GUATEMALA  
CONSULAR SECTION

VDOS 001241

RELEASED

E4255

ACA Inst  
Office  
Nuccio  
123

24 October 1994

michael charney, ph d, dabfa  
diplomate, american board of forensic anthropology

Madeleine Albright, Esq  
799 U M Plaza  
New York, New York 10017

Dear Ambassador Albright:

I am the physical anthropologist who, at the request of Jennifer Harbury, Esq, went to Guatemala in August, 1993, to examine the remains of a man killed by the army a year ago, a Commandante Everardo. guerill

As an old soldier of some sixteen years service, I do not argue with the right of an army to engage in combat with their adversaries and kill, whatever their politics. However, this does not seem to be the case here, else I would not be writing to thee.

The evidence points to the probability that commandante Everardo was not killed but taken prisoner at the time and was alive a year ago. Do forgive this old professor if he lists details you are, no doubt, familiar with. It is an occupational hazard.

The army had the remains they identified as commandante Everardo autopsied by the pathologist at the local hospital. Because of this, the judge ordered the pathologist to be present at the cemetery when the body was exhumed to so identify it before it was turned over to me for my study.

The remains I was given were those of a male, 18 to 20 years of age, with two silver, facial fillings on the upper central incisor teeth, no diastema between the two teeth, a missing upper tooth on the left side, all the bones of the skull present though those on the left and back were broken and caught in the hair. Death appeared to be due to blows from a rifle butt.

Commandante Everardo was 35 years old at the time of the skirmish, had one facial filling on the upper incisor of retsina, a diastema between the two central upper incisors, a missing tooth in the lower, right jaw. The army had said they had put two bullets in his back whereupon he placed the rifle in his mouth and pulled the trigger. This being so, there would be no bones of the back of the skull. They would have been blown away by the powerful explosive force of a rifle bullet.

These remains could not be those of commandante Everardo.

My motto has always been, "Justitia fiat ruat coelum." It is not necessary for the government or the army to fall, nor expected that they would by an admission of a grievous error in this case. Your office can be of such help in bringing about this admission.

faithfully,

*Michael Charney*  
michael charney

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/22/95  
Case ID: 95122283

copies: Ambassador McAfee/Ambassador Mulet/Mr Nuccio-U S State Dept

635 peterson, fort collins, colorado 80524 ph (303) 491-1486 (days) or 493-4107 (evenings)

U D O S 001244

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E4257

Peruse Log Report

Page 1

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Message Delivery

Log File For: Carol Murphy

Delivery Date/Time: 10/24/94 at 06:21 P.M.

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Comments:

Pls see attached from Amb McAfee

Security: 3

Priority: 3

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Attached File Media: Document

From Library: EXEC

File Title: e-mail to AP on PR

File Id: 4082

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Anne W. Patterson

00001-04001-00550-00732 Queued

*GUATEMALA  
#327225  
AMB FILES*

United States Department of State Office of FOI, Privacy, & Classification Review Review Authority: MOSKOWITZ, SAM Date: 08/22/95 Case ID: 951222B3
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E4258D

**WHAT ARE OUR REQUESTS? (from Jennifer)**

1. We are asking that Efraim Bamaca Velasquez and the other prisoners be turned over to the courts of Guatemala and given fair and public trials. If convicted of any crime, they must be sentenced to serve in public, not clandestine prisons, they cannot be tortured, and they must be given access to family members, physicians and human rights organizations. These are the minimum requirements of international humanitarian law, and they apply to both civilians and combatants alike. Also, under the recently signed global Human Rights Accord, now legally in effect, the prisoners should already have been turned over to the Human Rights Procurador. These accords are being defied by the army at this time. The prisoners have not been turned over, and human rights violations are in fact sharply increasing. There is much reason to fear that the prisoners are in danger of imminent extrajudicial execution. Urgent action is necessary.
2. We are asking that President Clinton intervene in this case, as he did for the U.S. citizen in the Singapore caning case. Unlike that case, we are not asking that leniency or special treatment be given to anyone. As noted above, we are asking for compliance with the minimum requirements of international law, as well as the recently signed peace accord on human rights. It is not necessary that the President issue any public statements. We do, however, need for him to discreetly but firmly inform the army that this case must be properly resolved. He should stress that mere signing, without compliance, of the peace agreements, will not be acceptable to the United States, and that the escalating human rights violations will not be tolerated. Trade relations, such as the possibility of NAFTA, should be mentioned.
3. We are asking that Congress and the Senate reconsider current funding to Guatemala, including peace monies, until the ongoing human rights violations cease, and this case is resolved as a sign of the army's good faith intention to comply with human rights norms in the future. Trade relations should particularly be scrutinized at this time, given the increase in human rights violations, especially towards labor leaders. The message should be that the money is in the drawer, but will not be delivered until the army stops killing people. A strong message should also be sent to the Department of State to take a far firmer stance on this case, and to attach consequences to any extrajudicial executions that might occur.
4. Richard Nuccio of the Department of State is deeply involved in the peace talks between the U.R.N.G. forces and the Guatemalan government. He is acting as a de facto intermediary. He has raised this case once with the Minister of Defense, but to my knowledge it has not been pursued. Both Nuccio and U.S. Ambassador Marilyn MacAfee seem to feel that they can do no more than "mention" this case. They mention it, the army replies that they do not have my husband, and that is the end of the matter. MacAfee has told me directly that there will be no consequences if Everardo and the others are killed despite OAS orders, Monica Pinto's statement at the UN, and the massive outcry by Congress, Senate, and Human Rights Organizations. If no consequences are attached, the army will obviously feel free to shoot these prisoners at will. If they succeed in doing so with international impunity, they will feel free to kill many many more people, especially inconvenient civilian leaders in the future. It is highly unlikely that there will ever be such clear and complete evidence in another case. If they can get away with this they can get away with anything, and they know it. They are testing us. We must insist that the State Department attach severe consequences to any extrajudicial executions that may occur and insist that the army comply with the law. This is not an individual case. This is a test case.

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OCT 19 '94 1:58

282 526 4611 PAGE.004

0005 001252



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EL274

Peruse Log Report

Page 1

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Reply to Text Message

Log File For: Carol Murphy

Delivery Date/Time: 10/25/94 at 12:04 P.M.

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Comments:

From Amb: Anne: Glad you agree on 60 Minutes. Should we have the PAO give the m a backgrounder? JKeane saw Jennifer this morning and there were 2 individuals w/her from People magazine. For consistency I recommend a PAO backgrounder for U.S. journalists. Your thoughts? Marilyn

Security: 1

Priority: 2

---

Anne W. Patterson

00001-04001-00550-00732 Queued

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Case ID: 951222B3

327225  
AMEMBASSY GUATEMALA  
POL SECTION - 1993-95  
RELEASEABLE E-MAIL

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0000 001269

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RELEASED

E4274A

!Text Message

Priority 2 October 25 1994 11:54 A.M.

!Subject: 60 Minutes & JHarbury  
!From: Anne W. Patterson

!From Anne W. Patterson: (received Tuesday 10/25/94 at 11:41 A.M.)

!Select Action - Send Reply \* View Document  
- Forward Message - Copy Document  
- Delete Message

1 of 1

United States Department of State  
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Date: 08/22/95  
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VDOS 001270

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**WANG OFFICE**

**Distribution TO:**

**Carol Murphy/ID00005-08881-01626-01049**

**UNCLASSIFIED**

**U D O S 001271**

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my reaction exactly. Don't talk to them. It is a 100 percent certainty it would be distorted.

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U D O S 001272

TO: Anne Patterson  
John Hamilton  
Hugh Simon  
Rick Nuccio  
Peg Willingham  
Michele Manatt

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40

E4279

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/22/96  
Case ID: 951222B3

FROM: Ambassador McAfee

SUBJ: Harbury

GUATEMALA

Anne, John et al: I recently received from John Shattuck a copy of the letter that Jennifer Harbury wrote to him about the Bamaca case. There are elements of the letter that are of concern. In particular are statements by her that suggest that our Defense Attache Colonel Keller had heard things said by General Enriquez during his visit to Washington that substantiated her belief that Bamaca was alive and held by the Army. To clarify for all concerned I asked Colonel Keller and Colonel Haning (our MILGP Commander) who also accompanied General Enriquez to Washington to give me memos of what General Enriquez said about the Bamaca case during the visit and what they thought he meant. Herewith the text of these two memos.

MEMORANDUM FROM THE DATT

SUBJ: Clarification of Jennifer Harbury letter to Mr. John Shattuck

REF: Letter from Jennifer Harbury to Mr. John Shattuck dated August 9, 1994

I wish to clarify comments that Jennifer Harbury made in page 6 of reference in the third full paragraph of that page. There she states that I, COL Dennis E. Keller, confirmed on two occasions statements she heard GEN Enriquez make about Efrain Bamaca at a reception in Washington, D.C. in January 1994.

While I was at the reception at Ambassador Mulet's residence, I was not in the small group that surrounded General Enriquez to question him about the Bamaca case. However, throughout the trip, Gen Enriquez discussed his two conversations with Jennifer Harbury in January, one in his official residence in Guatemala, and one at the reception in Washington.

Gen Enriquez consistently explained that the GT Army never had Bamaca, and therefore had no idea where he was nor could produce him for Jennifer Harbury. He would then enter into a kind of speculative tone of voice and made the following two statements, "I told Jennifer Harbury that maybe Bamaca is in Chiapas with the Zapatistas?" or "I told Jennifer Harbury that maybe Bamaca is lost in the jungle and perhaps the U.N. Verification Team that will come to Guatemala will find him somehow?" These are the statements that Jennifer Harbury asked me to confirm, and that I did indeed confirm that Gen Enriquez had made at one time or another in January during his trip to Washington, D.C.

However, to take these statements and interpret them as Gen Enriquez acknowledging that Bamaca is still alive and under Army control, or that they are a subtle attempt at negotiating where and when Bamaca could be reunited with Jennifer Harbury, is a vast over-interpretation of his statements. As I recall

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UDOS 001288

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my Memorial Day May 30 conversation with Jennifer Harbury, I in fact told her that I did not believe these particular statements made by General Enriquez were a "signal" that Bamaca is alive and under Army control. Thinking back on these statements now, I believe they would better be interpreted as a response of frustration by a person who has answered the same question "Where is Bamaca" a dozen times by saying "I don't know," finally throwing up his hands and saying "Maybe he is in Paris."

MEMORANDUM FOR RECORD

25 OCT 94

On 20 January 1994, Washington, D.C., at the residence of the Guatemalan Ambassador to United States. Present were about 30 people from various government and non-governmental organizations. After some brief formal remarks by the Ambassador and MOD Enriquez, the MOD became engaged in discussions with small groups. Present was Jennifer Harbury, as was I. The Minister was most kind and personable with Ms. Harbury both during his formal remarks and informal discussions. I heard the Minister state that the Government of Guatemala was actively working the case related to her husband, Efraim Bamaca. He said that he would be happy to call Jennifer to tell her that Bamaca is alive but unfortunately had no facts on what happened to him. At no time during the discussions did MOD Enriquez say or imply that he knew the whereabouts of Bamaca.

Joe M. Haning  
COL, USA  
Commander, U.S. MILGP

cc: John Keane  
Dennis Keller  
Joe Haning  
Chuck Keil  
George Chester

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RELEASED<sup>P.1</sup>

E4286



# Hudson Catholic High School

790 BERGEN AVENUE • JERSEY CITY, N.J. 07306 • (201) 332-5970

ARA Front Office  
RNuccio  
Guatemala Jennifer Harbo  
10/11/94 Faxes Received  
ARA 103

FAX NO: 332-6373

DATE: OCTOBER 25, 1994

TO: MR. RICHARD NUCCIO

FAX NO: 202-642-3341

FROM: BROTHER PAUL JOSLIN

THIS TRANSMITTAL CONTAINS 011 PAGES, INCLUDING THIS  
COVER SHEET.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/23/95  
Case ID: 951222B4

DeLaSalle Christian Brothers

VDOS 001298

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E4288B

NO -

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CONF RR  
FOR  
GOVT

FOIA only

Guatemala

AmEmbassy

H 327224

Not Recommended for  
Release 1994-E-mails

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Date: 08/23/95  
Case ID: 951222B4

U D O S 001311

UNCLASSIFIED



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RELEASED IN PART  
B1,A3

E4289A

Tegucigalpa, Honduras

October 25, 1994

CONFIDENTIAL  
MEMORANDUM

TO : Anne Patterson  
Marilyn McAfee  
Hugh Simon

FROM : John Hamilton

SUBJECT: Harbury/Bamaca

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/23/95  
Case ID: 951222B4

I spoke with President de Leon last night for about 10 minutes, FM de Vielman participating. She told me beforehand she had been urging him to take some dramatic action on the Harbury case and welcomed my talking to him, too. Almost before I could get a word out he said he was deeply worried by the developing situation of her hunger strike and said he of course knew the Bamaca case well from his time as Human Rights Ombudsman. If I understood him correctly (music was blaring and cocktail party decibel level was very high) [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] He also said at the outset that he can and will not allow her to destroy her health and that he will, before too much more time goes by, insist she enter a hospital or put her in one.

I urged him to think of steps he could take that would permit Harbury to stand down on her hunger strike and suggested an independent investigation, possibly by UN independent expert Monica Pinto, MINIGUA or a special prosecutor. De Vielman pointed out that Pinto is coming in mid-November and De Leon said this is precisely the sort of case envisioned for MINIGUA. I urged him to try to get a resolution in the next several days and suggested a private approach to Harbury be tried. De Leon said he would be willing to go see Harbury himself [REDACTED]

[REDACTED] I suggested using an intermediary but with the idea of reaching an agreement that she would understand represented a commitment from him. If that failed, I suggested, he could still take some similar action unilaterally and publicly. De Leon was amenable to all this, but said a couple of times that he did not think it would satisfy Harbury. Nothing but the release of Bamaca would and de Leon very much doubts that he is alive in military custody. I said the best way to find out would be through an independent investigation (in an earlier

B1

B1

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conversation with de Vielman I noted that the Americas Watch report on clandestine holding facilities had some persuasive material on the basic issue raised by the Bamaca case). He reiterated at the end of the conversation that he would not allow her hunger strike to continue indefinitely and to the point where her health is seriously endangered. In summing up the conversation, I said "then you'll first try a private approach and if that doesn't work take some unilateral action to invite a special investigation?" He nodded but added again that in another five days or so he would have her hospitalized.

Comment: I did not react strongly to de Leon's repeated warning about hospitalizing Harbury, trying instead to steer the conversation toward more constructive steps he could take. Forceful hospitalization could of course exacerbate his public relations situation but he, too, has a point about Harbury's health. He is clearly deeply worried, frustrated and feels that he is unfairly in an untenable position but I think he'll take some action along the lines we discussed. At the same time, some follow-up by Marilyn or in the form of a high-level phone call from Washington may be necessary.

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E4289

!Text Message Priority 2 October 25 1994 01:20 P.M.

!Subject: Harbury  
!From: Patricia A. Broe

!From Patricia A. Broe: (received Tuesday 10/25/94 at 12:46 P.M.)

!Select Action - Send Reply      ★ View Document  
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1 of 1

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Distribution TO:

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Peruse Log Report

Page 1

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Message Delivery

Log File For: Carol Murphy

Delivery Date/Time: 10/25/94 at 09:10 A.M.

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Comments:

Pls see attached from Amb McAfee

Security: 3

Priority: 3

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Attached File Media: Document  
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File Title: e-mail to MManatt  
File Id: 4084

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John R. Hamilton  
Anne W. Patterson

00001-04000-01258-01399 Queued  
00001-04001-00550-00732 Queued

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E4290A

TO: Michele Manatt  
FROM: Ambassador McAfee  
SUBJ: Harbury Case

Michele: Thanks for your note. It was nice to have a chance to talk in Belize. Hope you will be able to get down sometime soon so we can give you a full briefing on what's going on here. We will be happy to include you on our Harbury list (please send your e-mails to me c/o my secretary Carol Murphy, I will get them faster). I will so notify others here in the Mission as well. Regards, Marilyn

TO: Anne Patterson  
John Hamilton

Presume you have no problem in including Michele on our Harbury e-mail list. Marilyn

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B6

E4296A

TO: Anne Patterson  
John Hamilton

FROM: Ambassador McAfee

Some thoughts on next steps.

Reading John Hamilton's memo of his conversation with De Leon in Tegucigalpa, I am concerned that the President does not fully grasp the gravity of the situation he is facing with Jennifer Harbury. That has been our struggle here to date -- trying to explain the seriousness of the problem to key Guatemalans. [redacted] helped with Gen Enriquez. John Hamilton has helped with President de Leon. We have added our voices. Do we need more?

B6

I suggest two phone calls, one to President de Leon and one to Gen Enriquez. The former by Alec Watson and the latter by Gen McCaffrey to underline the seriousness of the problem and to push for acceptance of an international participation in trying to resolve this such as MINUGUA or Monica Pinto.

Additionally, following up on Rick's conversation with the [redacted] in Mexico, suggesting internationalizing the problem, we might consider a phone call from someone in the GOM if you think they would be willing or a Central American president such as Figueres.

B6

My intention is to try to contact the President tomorrow after his return from Honduras and after he has had time to discuss the current situation with the MOD and others. I'm seeking an appointment with him for Thursday with Rick. If these phone calls don't produce the right kind of results we can think about raising the level and number of phone calls in a few days.

cc: Peg Willingham

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E4302A

FYI:

Rich Wilhelm of VP Gore's office called to ask for background info on Harbury case. Rep. Gejdenson has asked the VP to arrange a meeting for Harbury's attorney and Human Rights watch with Leon Fuerth. I talked at some length with Wilhelm and undertook to Washfax him info. He feels that Gore can't really turn down the Congressman's request but he wants as much info as possible.

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E4383A

To: ARA - Anne Patterson

From: DCM - John F. Keane

Subject: Search for Bamaca, with international accompaniment

Prosecutor General Acisclo Valladares told me this morning that he will file a habeas corpus petition for Bamaca today. He said it would include an attempt to find Bamaca at all military installations. At my insistence, he agreed it would include a request to have investigators (presumably appointed by the court) to interview all persons present at the firefight on March 12 and all persons at military installations or hospitals/clinics where Bamaca might have been taken. Under pressure, he also agreed that "others" could accompany the investigators, including international reps such as Minugua, although he demurred when I asked if government would issue a special invitation to them. He agreed to Ambassador's later phone request that he make an announcement today.

This could be a breakthrough. I am sending a cable with details, but given this development for the time being we do not think a call from McCaffrey or other military officer is in order. We should hold that bullet for when we need to get the army to agree to letting Minugua into army bases to interview individuals or other tough decision.

We also need to think how best to get Minugua to react positively. Our instinct is to get the Friends as a group to weigh in, realizing this may be tough with the Mexicans in particular (non-interference sensitivity on human rights issues.) We also need to think about timing, since Minugua does not have a HDQS agreement with GOG.

cc: Ambassador (cleared in substance)  
John Hamilton  
Rick Nuccio (here)  
Peg Willingham  
Hugh Simon  
POL/CONS/DAO

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7.A

October 26, 1994

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To: Files

From: Pol - George A. Chester, Jr.

B1,A5,A9

Subject: Meeting with [ ]

The Ambassador and I met with [ ] today at the Ambassador's request. The main topic was the Bamaca case. [ ] had previously told me that there had been negotiations between Jennifer Harbury and the MOD concerning Bamaca's release, but these had broken off in June when Jennifer had refused to agree to keep the matter totally quiet with no publicity or political fanfare. We had no information (other than Jennifer's own claim) that there had been negotiations underway with the MOD for his release, and wished to find out what the basis for [ ] information was.

When asked, she admitted that she had been told this by third parties who had presumably heard it from Jennifer. She said she had no independent evidence whatever that such negotiations had ever taken place. When pressed hard by the Ambassador concerning the case, and while expressing concerns for her own safety and for the safety of her sources should it ever be known, she said she had been told by someone that he had a reliable source who reported seeing Bamaca alive in a military hospital. The Ambassador noted that we too had a very sensitive and unconfirmed report that he had been seen in a military hospital in April 1992. [ ] said she had no idea when the source had seen Bamaca, or whether it was recently or not, but if true, then, if Bamaca is dead, the Army killed him.

DATT Col. Dennis Keller was invited to join the conversation, and he confirmed [ ] that he had never heard the MOD give any indication that Bamaca was alive or made any statements implying he could negotiate his release. Keller explained that his interpretation of the MOD's remarks that "perhaps Bamaca is in Chiapas" were made in frustration after repeatedly denying knowledge of his whereabouts, as, for example, saying "perhaps Bamaca is in Paris." He told [ ] that he had no knowledge of whether the Army had Bamaca or if he were alive. He said from what he understood the Army's practice in the 80's had been to interrogate prisoners and either turn them or kill them. Judging from that, he did not think it likely to suppose that Bamaca would still be alive unless he had agreed to cooperate.

Pol Comment: Subsequent to this conversation, [ ] told the political counselor that he had heard that a hunger-striking war veteran had claimed to have seen Bamaca at a military hospital.

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AMEMBASSY GUATEMALA  
POLITICAL SECTION

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DCM Comment: [redacted] told me today that at his last meeting with Jennifer she said she wanted to negotiate Bamaca's release with the Minister of Defense. We have never heard the MOD imply that he would negotiate; it appears that this is simply a Harbury assertion.

Cleared: DAO: Col Keller  
DCM: JKeane  
Ambassador

cc: ARA/CEN: PWillingham  
DAO: Col Keller  
CONS: CKeil  
POL: DDonahue

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JOHN KERRY  
MASSACHUSETTS

CONS: for Amli's s/s  
please  
cc: POL (E4313)

United States Senate

WASHINGTON, DC 20510

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#327223

One Bowdoin Square  
Tenth Floor  
Boston, MA 02114  
(617) 565-8519

October 26, 1994

Madame Ambassador Marilyn McAfee  
US Embassy in Guatemala  
Guatemala, GUATEMALA  
APO AA 34024

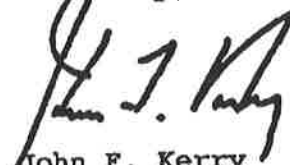
Madame Ambassador,

I am writing to you in response to numerous requests that I have received regarding Efrain Bamaca Velasquez (AKA Commandant Everado) and his wife Jennifer Harbury.

As I am sure you are aware, Ms. Harbury is on a hunger strike in the Constitution Plaza in Guatemala City which began on October 11, 1994. She began this strike in order to publicize the disappearance of her husband in March of 1992, and she writes that recently he has been seen in an army detention center. Due to the gravity of this situation, I urgently request your inquiry into this case in accordance with the Global Accord on Human Rights which was signed in March of 1994.

I thank you for your consideration and your time. Your generous intervention on behalf of Efrain Bamaca Velasquez would be greatly appreciated. Please do not hesitate to contact Christopher Greeley, my Chief of Staff with any queries.

Sincerely,



John F. Kerry  
United States Senator

JFK/cjg/aac

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E4315

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PAGE 01 OF 02 GUATEL 00760 00 OF 02 262040Z  
ACTION ARA-00

SRCS162

GUATEL 00760 00 OF 02 262040Z

SRCS162

INFO LOC-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CINE-00  
OAS-00 DODE-00 EA-00 FBIC-00 H-01 TEDE-00 INR-00  
10-16 L-00 AOS-00 H-00 NSAE-00 NSCE-00 OCS-00  
OIC-02 OMB-00 PA-01 PM-00 PPS-01 P-01 SIP-00  
SP-00 SS-00 SS-00 STX-01 TSC-00 T-00 USIE-00  
PMB-00 POME-00 RML-00 C-00 /0640  
61344E 262129Z /30

R 262040Z OCT 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 0633  
INFO USCINCSO QUARRY HEIGHTS PM  
ARA CENTRAL AMERICA

CONFIDENTIAL GUATEMALA 00760

CINCSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: CASC, PWRG, PINS, PCOW, PIRG, CT  
SUBJECT: AMBASSADOR VISIT TO HARBURY - 10/25

REF: GUATEMALA 3557 AND PREVIOUS

1. (C) SUMMARY: AMBASSADOR AND ACS OFFICER VISITED JENNIFER HARBURY IN THE EVENING OF OCTOBER 25. HARBURY REPORTED THAT SHE HAD MET THAT AFTERNOON WITH MR. MARIO ENRIQUEZ WHO STILL MAINTAINED THAT THE CCG

DOES NOT HAVE BAPACA AND DOES NOT KNOW WHERE HE IS. HARBURY REJECTED THE AMBASSADOR'S SUGGESTION THAT THE CURRENT STALEMATE MIGHT BE BROKEN BY TURNING THE CASE OVER TO AN INDEPENDENT INVESTIGATOR OR INTERNATIONAL COMMISSION, NOTING THAT "IT IS TOO EARLY FOR THAT." HARBURY ALSO INFORMED AMBASSADOR THAT SHE HAD BEEN VISITED THAT DAY BY A GUATEMALAN YOUNG WOMAN WHO TOLD HER THAT SHE HAD KNOWLEDGE THAT BAPACA IS ALIVE AND IN GOOD HEALTH. HARBURY REMAINS IN GOOD HEALTH AND SPIRITS. END SUMMARY.

2. (C) AMBASSADOR AND ACS OFFICER VISITED JENNIFER HARBURY, IN THE 15TH DAY OF HER HUNGER STRIKE, ON THE EVENING OF OCTOBER 25. THIS WAS THE AMBASSADOR'S FOURTH VISIT TO THE PLAZA TO SPEAK WITH JENNIFER. CONSULAR VISITS ARE DAILY. DESPITE THE DARKNESS AND LATE HOUR, HARBURY WAS SURROUNDED BY PHOTOGRAPHERS AND A SMALL GROUP OF ONLOOKERS. SHE REPORTED THAT SHE WAS HOARSE AND A LITTLE TIRED FROM TALKING TO THE NATIONAL AND INTERNATIONAL MEDIA FOR MOST OF THE DAY. HARBURY REPORTED THAT THE CHIEF OF THE PUBLIC RELATIONS, ASISCO WILLABARES, HAD VISITED HER VERY LATE ON OCT. 24 TO "SOUND HER OUT." THE FOLLOWING DAY, OCT. 25, SHE WAS TOLD THAT THE HCU WISHED TO MEET WITH HER AND WAS QUIETLY USHERED INTO THE NATIONAL PALACE THROUGH A BACK DOOR. ACCORDING TO MS. HARBURY, THE HCU EXPRESSED CONCERN OVER HER HEALTH AND MEMBERS OF HIS STAFF REPEATEDLY OFFERED HER FOOD AND DRINK. SHE REMINDS THEM THAT SHE WAS ON A HUNGER STRIKE. HE REITERATED HIS POSITION THAT HE DID NOT KNOW WHERE BAPACA IS AND THAT THE ARMY DID NOT HAVE HIM. HE REPEATED AGAIN THAT HE WOULD BE

DELIGHTED IF BAPACA WERE TO TURN UP SOMEWHERE AND THAT IF SHE KNEW WHERE BAPACA MIGHT BE, HE WOULD PERSONALLY ACCOMPANY HER TO THE SITE TO INVESTIGATE. MS. HARBURY OFFERED HER "FACE-SAVING DEAL," AS SHE HAD ON PREVIOUS OCCASIONS, WITH THE SAME NEGATIVE RESPONSE.

3. (C) HARBURY ALSO ADVISED THE AMBASSADOR THAT:

BASED ON HER INFORMATION AND INFERENCES DRAWN FROM THE MEETING AT THE HCU'S OFFICE, SHE BELIEVED THAT THE MILITARY MAY FORCE ONE OF THE EX-UNG GUERRILLAS RECENTLY GRANTED AMNESTY TO STATE PUBLICLY THAT HE KNOWS THAT BAPACA IS DEAD. SHE BELIEVES THAT THEY MAY TORTURE HIM OR THREATEN TO KILL HIS FAMILY IN ORDER TO EXTRACT THIS STATEMENT AND HOPEFULLY PUT AN END TO THE CASE.

5. (C) TOWARD THE END OF THE CONVERSATION, MS. HARBURY MENTIONED, IN AN ALMOST OFFHAND MANNER, THAT SHE HAD BEEN VISITED BY A GUATEMALAN WOMAN IN HER EARLY THIRTIES WHO TOLD HER THAT BAPACA WAS ALIVE AND ENCOURAGED HER TO CONTINUE WITH HER PROTEST. THE WOMAN CLAIMED THAT HER BOYFRIEND, A LIEUTENANT IN THE ARMY, HAD "TALKED TOO MUCH" ONE NIGHT AND HAD TOLD HER THAT HE HAD SERVED ON GUARD DUTY IN SEPTEMBER OF THIS YEAR AT THE PLACE WHERE BAPACA AND THE OTHER 36 WERE BEING HELD. HE HAD SAID THAT BAPACA IS ALIVE AND WELL. MS. HARBURY SAID THAT THE YOUNG WOMAN APPEARED TO HER TO BE COMPLETELY CREDIBLE AND SINCERE. SHE WOULD NOT TELL MS. HARBURY HER BOYFRIEND'S NAME OR ANY MORE DETAILS OUT OF FEAR THAT

HE WOULD BE PUNISHED. COMMENT: AMBASSADOR AND CONOFF THOUGHT IT UNUSUAL THAT MS. HARBURY DIDN'T MENTION THIS SEEMINGLY EXTRAORDINARY, EXCITING NEWS UNTIL THE END OF THE CONVERSATION. SHE RELATED THE REPORT IN A MATTER-OF-FACT TONE AND DIDN'T SEEM ANXIOUS TO FIND OUT MORE DETAILS REGARDING THE AREA IN WHICH HE WAS BEING HELD OR WHO EXACTLY WAS HOLDING HIM. SHE RESPONDED NEGATIVELY TO THE AMBASSADOR'S REQUEST TO BE ABLE TO CONTACT HER. END COMMENT.

6. (C) IN LIGHT OF THE LACK OF PROGRESS IN HER MEETING WITH THE HCU, AMBASSADOR ASKED HARBURY WHAT THE NEXT STEP SHOULD BE, SUGGESTING THE POSSIBILITY OF TURNING THE CASE OVER TO AN INTERNATIONAL COMMISSION OR SPECIAL INVESTIGATOR AS A WAY TO MOVE THE CASE FORWARD. HARBURY REPLIED THAT, IN HER VIEW, THIS WAS NOT AN OPTION AT THIS POINT, INSISTING THAT "IT IS STILL EARLY." SHE FIRMLY BELIEVES THAT THERE IS STILL HOPE THAT THE CCG WILL BE FORCED TO NEGOTIATE AS HER HUNGER STRIKE CONTINUES AND INTERNATIONAL PRESSURE BUILDS. SHE ENTHUSIASTICALLY MENTIONED THE PRESENCE OF PEOPLE MAGAZINE, AND CNN AND THIS WEEKEND'S ARRIVAL OF "60 MINUTES." HER HOPE IS TO WORK OUT A FACE-SAVING SOLUTION IN WHICH THE

MILITARY MOVES BAPACA TO A PRISON OR MILITARY FACILITY WHERE HE CAN BE VISITED REGULARLY BY INTERNATIONAL OBSERVERS. SHE WOULD AGREE TO REMAIN IN GUATEMALA DURING THIS PERIOD AND CALL OFF ALL INTERNATIONAL PRESSURE ON THE CASE. AFTER THE

CEASE-FIRE, SHE WOULD HOPE THAT SHE AND BAPACA COULD REUNITE AND LIVE QUIETLY IN GUATEMALA.

7. (C) COMMENT: MS. HARBURY SEEMS TO HAVE A CAREFULLY PROGRAMMED STRATEGY AND TIMETABLE. SHE HAS INDICATED IN PAST CONVERSATIONS THAT SHE MIGHT BE OPEN TO THE IDEA OF AN INDEPENDENT OBSERVER OR INTERNATIONAL COMMISSION INITIATING AN INVESTIGATION INTO THE BAPACA DISAPPEARANCE. HOWEVER, SHE MADE IT CLEAR IN THIS MEETING AS IN OTHERS THAT SHE BELIEVES THE CCG HAS NOT FELT THE FULL WEIGHT OF INTERNATIONAL PRESSURE THAT IS STEADILY BUILDING AGAINST IT OVER THE BAPACA CASE AND THAT SHE BELIEVES THIS WILL ULTIMATELY PRODUCE THE RESPONSE FROM THE ARMY SHE

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Jennifer Harbury Papers

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DEKLS. END COMMENT.

200516Z

L. MR. HARBURY CONTINUES IN GOOD HEALTH AND SPIRITS  
AND CAN NOW BE REACHED BY CELLULAR PHONE NUMBER,  
5021 (2) 01823463 (INTERNATIONALLY) OR 0823463  
(LOCALLY). SHE CONTINUES TO MAINTAIN THAT SHE WILL  
REFUSE MEDICAL TREATMENT AFTER THE 20TH DAY OF HER  
STRIKE. DOCTORS HAVE INFORMED HER THAT AFTER 20 DAYS,  
HER BODY AND MIND WILL BEGIN TO SHOW THE EFFECTS OF  
THE STRIKE. CONSULAR SECTION LEGAL ADVISOR IS  
REVIEWING GUATEMALAN LAW REGARDING THE LEGALITY OF  
FORCING MS. HARBURY TO ACCEPT TREATMENT. WHILE WE DO  
NOT YET HAVE A DEFINITIVE ANSWER, IT APPEARS THAT  
BOTH SUICIDE AND EUTHANASIA ARE ILLEGAL IN GUATEMALA  
AND THAT THE GOVERNMENT WOULD BE WITHIN ITS RIGHTS TO  
REMOVE HER TO A HOSPITAL IF SHE WERE TO BECOME SO  
SICK AS TO LOSE HER MENTAL FACULTIES OR FALL INTO  
UNCONSCIOUSNESS. CONOFFS WILL CONTINUE TO VISIT MS.

HARBURY ON A DAILY BASIS. HCAFE

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U D O S 001375

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PAGE 01 OF 02 GUATEL 00706 00 OF 02 262302Z  
ACTION ARA-00

SNC5762

GUATEL 00706 00 OF 02 262302Z

SNC5762

INFO LOC-00 ACDA-17 ACDE-00 AID-00 ANAD-01 CA-02 CIAE-00  
 OAS-00 DOME-00 ED-00 F01E-00 H-01 TEDE-00 INR-00  
 IO-16 L-00 AOS-00 H-00 ISAE-00 OCS-00 OIC-02  
 OMB-01 PA-01 PR-00 PPS-01 P-01 SIP-00 SP-00  
 SR-00 STG-01 T0SE-00 T-00 USLE-00 PHS-00 PLJE-01  
 ORL-00 C-00 /0644

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 FM AMEMBASSY GUATEMALA  
 TO NSC WASHDC IMMEDIATE  
 SECSTATE WASHDC IMMEDIATE 0640

CONFIDENTIAL GUATEMALA 009706

NSC FOR FEINBERG

E.O. 12356; DECL: OADR  
 TAGS: CASC, PRUM, PINS, PCOM, PIR, CT  
 SUBJECT: HARBURY; PROSECUTOR GENERAL WILL DEMAND  
 BAHACA INVESTIGATION; INTERNATIONAL ACCOMPANIMENT  
 POSSIBLE

REF: KEANE-HAMILTON E-MAIL, OCTOBER 26, 1994

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: ON OCTOBER 26, PROSECUTOR GENERAL ACISCLO VALLADARES TOLD DCN THAT TODAY HE WILL FILE A HABEAS

CORPUS WRIT TO THE SUPREME COURT REQUIRING AN INVESTIGATION INTO THE WHEREABOUTS OF EFRAIN BAHACA. DCN PRESSED FOR THIS TO INCLUDE INTERVIEWS WITH ALL PERSONS WHO PARTICIPATED IN THE FIREFIGHT OF MARCH 1992 WHEN BAHACA DISAPPEARED, AND FOR INTERNATIONAL ACCOMPANIMENT IN ORDER TO LEND CREDIBILITY OUTSIDE GUATEMALA TO THE INVESTIGATION. VALLADARES ACCENDED, NOTING THAT THE GOVERNMENT WILL PROBABLY NOT INVITE INTERNATIONAL ACCOMPANIMENT BUT IT PROBABLY WOULD BE PERMITTED. VALLADARES ALLOWED THAT THE FUTURE MINUGUA STAFF IN GUATEMALA WOULD APPEAR TO BE THE LOGICAL CHOICE GIVEN THEIR MANDATE TO VERIFY INVESTIGATIONS BY GUATEMALAN AUTHORITIES IN HUMAN RIGHTS CASES. THIS MAY BE AN OPENING. HE WILL NEED TO CONVINCE MINUGUA TO PARTICIPATE AND RECOMMEND THAT THE "GROUP OF FRIENDS" OF THE PEACE PROCESS, AT THE APPROPRIATE TIME AFTER A HDOS AGREEMENT IS SIGNED, CONSIDER APPROACHING MINUGUA AND THE GOVERNMENT AS A BLOCK. END SUMMARY.

3. ON OCTOBER 19 DCN CALLED ON PROSECUTOR GENERAL ACISCLO VALLADARES TO IMPRESS UPON HIM THE POTENTIAL FOR HARM TO OUR RELATIONS WHICH IS POSED BY THE ONGOING STRIKE OF JENNIFER HARBURY REGARDING THE DISAPPEARANCE OF HER GUERRILLA HUSBAND EFRAIN BAHACA. DISCUSSED WERE SEVERAL POSSIBLE ALTERNATIVES TO CARRY OUT AN INVESTIGATION INTO BAHACA'S SITUATION, INCLUDING DOMESTIC GUATEMALAN INSTITUTIONS AS WELL AS INTERNATIONAL ENTITIES SUCH AS THE ICRC, UN HUMAN RIGHTS EXPERT MONICA PINTO, FORMER UN HUMAN RIGHTS EXPERT CHRISTIAN TOMUSCHAT AND THE UNITED NATIONS VERIFICATION MISSION FOR GUATEMALA (MINUGUA).

VALLADARES POINTED OUT THE DRAWBACKS OF SEVERAL ALTERNATIVES INCLUDING THE ICRC WHICH THE GCG MAINTAINS HAS NO ROLE IN GUATEMALA, AND PINTO WHO DOES NOT ENJOY THE GUATEMALAN GOVERNMENT'S TRUST.

4. REGARDING MINUGUA, DCN NOTED THAT AN INVESTIGATION OF THIS TYPE COULD BE WITHIN ITS MANDATE AS DESCRIBED

TO US BY ACTING MINUGUA CHIEF FERNANDO CASTANON H.E. THAT THE MINUGUA'S MANDATE IS PROSPECTIVE, NOT TO LOOK INTO THE PAST. HOWEVER, SINCE BAHACA IS STILL MISSING, AND THE ACCUSATION IS THAT HE WAS ONCE AND REMAINS A POLITICAL PRISONER MINUGUA MIGHT TAKE IT ON. DCN URGED THAT AN INVITATION BE ISSUED TO AN INTERNATIONAL ENTITY AT PRESIDENT DE LEON'S REQUEST, THEREBY DEMONSTRATING GCG INTEREST. VALLADARES DID NOT REACT TO THE SPECIFIC SUGGESTION OF MINUGUA. HOWEVER, AT DCN'S URGING HE AGREED TO VISIT HARBURY AND TO DISCUSS THE CASE FURTHER WITH DCN AFTER HE HAD A CHANCE TO REFLECT ON IT.

5. VALLADARES TOLD DCN ON OCTOBER 26 THAT HE HAD CALLED ON HARBURY TWICE AND IN THE SECOND MEETING HAD INTERVIEWED HER SUBSTANTIVELY REGARDING WHAT SHE DESIRES. ACCORDING TO VALLADARES HARBURY TAKES THE POSITION THAT THE ARMY IS THE ONLY REAL POWER IN GUATEMALA; IT CAN BLOCK ANY INVESTIGATION. TRUS, SHE DISCARDS THE NOTION OF AN INVESTIGATION BY GUATEMALAN AUTHORITIES, MONICA PINTO, MINUGUA OR ANY INTERNATIONAL ENTITY. WHAT HARBURY PROPOSED TO VALLADARES WAS A "NEGOTIATION" WITH THE ARMY. SHE SUGGESTED THAT SHE WOULD BE WILLING TO CEASE HER HUNGER STRIKE AND DESIST

IN EFFORTS TO PRESSURE GUATEMALAN INSTITUTIONS IF THE ARMY WOULD ADMIT THAT HER HUSBAND IS STILL ALIVE AND PROMISE TO RELEASE HIM UNHARMED AFTER A CEASE FIRE.

6. HARBURY'S TACTICS ARE UNACCEPTABLE, SAID VALLADARES. SHE IS PRETENDING THROUGH INTERNATIONAL AND DOMESTIC PRESSURE TACTICS TO DISREGARD THE ENTIRE GUATEMALAN LEGAL SYSTEM IN FAVOR OF SOME SORT OF POLITICAL NEGOTIATION WITH THE ARMY.

7. VALLADARES REITERATED THAT HARBURY HAS REFUSED TO FOLLOW PROCEDURES STIPULATED BY LAW TO PURSUE HER CASE, SUCH AS FILING A WRIT WITH AN APPROPRIATE COURT. SHE

HAS COMPLETELY DISREGARDED ALL THE NORMAL INSTITUTIONS OF THE STATE.

8. VALLADARES COMMENTED THAT SOON AFTER ASSUMING OFFICE AS PROSECUTOR GENERAL LAST MAY HE BECAME APPRISED OF LETTERS DEMANDING THE APPEARANCE OF

BAHACA. HIS OFFICE FILED A WRIT OF HABEAS CORPUS REGARDING BAHACA, WHICH WAS REPLIED TO THREE MONTHS LATER BY THE COURT. IN ITS REPLY THE COURT STATED THAT IT HAD CONTACTED ALL INSTALLATIONS IN THE COUNTRY AFFILIATED WITH THE ARMED FORCES, POLICE OR OTHER LAW ENFORCEMENT ENTITIES REQUESTING INFORMATION ON THE WHEREABOUTS OF BAHACA. ON SEPTEMBER 1 THE COURT ISSUED A FINDING INDICATING THAT ALL MILITARY POLICE AND OTHER INSTALLATIONS HAD REPLIED NEGATIVELY, I.E. THEY HAVE NO INFORMATION ON BAHACA'S WHEREABOUTS.

9. VALLADARES SAID HE INTENDS TODAY TO FILE A NEW WRIT OF HABEAS CORPUS TO THE SUPREME COURT REQUESTING THE

Harbury, Jennifer  
 Search for  
 husband

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 Review Authority: MOSKOWITZ, SAM  
 Date: 08/24/95  
 Case ID: 951222B4

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Department of State

INCOMING  
TELEGRAM

PAGE 02 OF 02 GUATEL 00766 00 OF 02 262302Z  
COURT TO APPOINT INVESTIGATORS TO VISIT EVERY MILITARY  
INSTALLATION IN THE NATION IN AN ATTEMPT TO FIND  
RAMACA. THE DCN REPLIED THAT THIS WILL NOT BE ENOUGH.  
THE INVESTIGATORS SHOULD INTERVIEW ALL PERSONS WHO  
PARTICIPATED IN THE FIRE FIGHT OF MARCH 1992 DURING  
WHICH RAMACA ALLEGEDLY DISAPPEARED OR DIED. THEY  
SHOULD CARRY OUT INTERVIEWS WITH MILITARY PERSONNEL AT  
ALL INSTALLATIONS WHERE RAMACA MIGHT HAVE BEEN HELD,  
SUCH AS BASES, HOSPITALS, AND ANYONE ELSE WHO MIGHT  
HAVE KNOWLEDGE OF WHAT HAPPENED TO HIM.

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10. DCN POINTED OUT THAT EVEN SUCH A THOROUGH  
INVESTIGATION IS UNLIKELY TO HAVE THE NECESSARY  
CREDIBILITY IN THE UNITED STATES AND OTHER COUNTRIES  
UNLESS IT IS ACCOMPANIED BY APPROPRIATE INTERNATIONAL  
REPRESENTATIVES. DCN URGED THAT THE GUATEMALAN  
GOVERNMENT INVITE INTERNATIONAL REPS FROM MINUGUA, THE  
UNITED NATIONS HUMAN RIGHTS EXPERT MONICA PINTO'S

OFFICE, THE INTERNATIONAL COMMISSION ON JURISTS, THE  
ICRC OR ANOTHER ENTITY WITH A SOLID REPUTATION.  
VALLADARES DENURRED BUT AFTER CONSIDERABLE DISCUSSION  
HE SAID THAT IT WOULD BE POSSIBLE FOR "GUATEMALANS AND  
OTHERS TO ACCOMPANY THE INVESTIGATORS AND THIS COULD  
INCLUDE REPRESENTATIVES FROM MINUGUA."

11. COMMENT: THIS COULD BE A BREAKTHROUGH. MUCH WILL  
DEPEND ON THE DECISION OF THE SUPREME COURT OR THE  
PUBLIC MINISTRY, DEPENDING ON WHICH ENTITY HAS ULTIMATE  
AUTHORITY TO ALLOW INTERNATIONAL MONITORING OF THE  
INVESTIGATIVE PROCESS. WE WILL NEED TO FOLLOW UP. WE  
THINK THAT MINUGUA IS BEST POSITIONED TO CONDUCT THIS  
MONITORING. IT IS PART OF MINUGUA'S MANDATE AND IT IS  
UNLIKELY TO PROVOKE THE SAME RESISTANCE AS PINTO.  
MINUGUA MAY BE RELUCTANT, CERTAINLY AT THIS STAGE,  
WHILE IT LACKS A HEADQUARTERS AGREEMENT, BUT EVEN LATER  
WHEN IT MUST PICK AND CHOOSE CASES CAREFULLY, AND SET  
SOME GROUND RULES FOR ITSELF. AS ONCE DESCRIBED BY  
CASTANON TO US, IT MAY DECIDE TO MONITOR CASES THAT ARE  
ACTIVE IN THE COURTS, BUT NOT OTHERS, AS ONUSAL  
REPORTEDLY DID IN EL SALVADOR. FROM THAT  
PERSPECTIVE, HARBURY'S REFUSAL TO GO TO COURT IS AN  
IMPEDIMENT THAT WOULD BE ELIMINATED BY VALLADARES'  
INITIATIVE. IN OUR VIEW, IT WOULD BE BEST TO APPROACH  
MINUGUA AFTER THE UDOS AGREEMENT IS SIGNED (VERY SOON,  
HOPEFULLY), AND WITH THE OTHER FIVE MEMBERS OF THE  
GROUP OF FRIENDS.

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# Department of State

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PAGE 01  
ACTION ARA-00

GUATEM 00796 262353Z

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INFO	LOG-00	ACDA-17	ACDE-00	AID-00	AMAD-01	CA-02	CIAE-00
	OAS-00	DODE-00	EB-00	FBIE-00	H-01	TEDE-00	INR-00
	IO-16	L-00	ADS-00	M-00	NSAE-00	NSCE-00	DCS-00
	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00
	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00
	PMB-00	PRME-01	DRL-00	G-00	/004W		

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P 262353Z OCT 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 0647  
INFO USCINCSO QUARRY HEIGHTS PM  
ARA CENTRAL AMERICA

C O N F I D E N T I A L GUATEMALA 00796

CINCSO FOR POLAD:

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E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINR, GT  
SUBJECT: HARBURY: MILGP CDR AND DATT MTG W/MG TARACENA

1. (C-ENTIRE TEXT)
2. ON 26 OCTOBER, AT 1655 HOURS, USMILGP CDR AND DATT MET WITH MG GONZALEZ TARACENA, THE CHIEF OF STAFF OF THE NATIONAL DEFENSE STAFF, AT THE NATIONAL PALACE.
3. THE ISSUE OF JENNIFER HARBURY'S HUNGER STRIKE AND THE WHEREABOUTS OF EFRAIN BAMACA WERE RAISED WITH HIM. MG GONZALEZ ACKNOWLEDGED THAT MS. HARBURY'S SAFETY WAS OF GREAT CONCERN TO THE GT ARMY. HE HOPED THAT THE EMBASSY WAS ALSO VIGILANT FOR HER SAFETY, TO WHICH DATT REPLIED THAT OF COURSE WE WERE. MG GONZALEZ EXPLAINED THAT IF ANYTHING HAPPENS TO MS. HARBURY, THE CASE WILL OBVIOUSLY BECOME MUCH MORE SERIOUS BECAUSE NOW IT WILL DIRECTLY AFFECT A U.S. CITIZEN.
4. DATT FURTHER EMPHASIZED THAT THE LACK OF ACTION ON THE CASE SO FAR WAS SERIOUSLY JEOPARDIZING U.S.-GT RELATIONS, AND THE GOG MUST TAKE SOME ACTION. A GOOD FIRST START WOULD BE A HIGH-LEVEL GOG STATEMENT OF CONCERN ABOUT THE CASE. MG GONZALEZ AGREED THAT SUCH A STATEMENT SHOULD BE MADE.
5. DATT SUGGESTED THAT THE GOG SHOULD CONSIDER INVITING AN OUTSIDE, INDEPENDENT EXPERT TO INVESTIGATE THE DISAPPEARANCE OF BAMACA FROM TOP TO BOTTOM. MG GONZALEZ AGREED THAT SUCH A COURSE OF ACTION SEEMED LIKE A GOOD IDEA. HE STATED THAT HE WOULD LIKE TO INVESTIGATE AND DETERMINE THE WHEREABOUTS OF BAMACA, BUT OBVIOUSLY AN ARMY INVESTIGATION WOULD HAVE LITTLE CREDIBILITY INTERNATIONALLY.
6. MG GONZALEZ ENDED BY STATING THAT ALL OF THESE SUGGESTIONS SEEMED LIKE GOOD IDEAS TO HIM, BUT THAT THESE KINDS OF DECISIONS HAD TO BE MADE AT THE MINISTER OF DEFENSE LEVEL. HOWEVER HE WOULD BE MEETING WITH THE MINISTER LATER IN THE DAY, AND WOULD DISCUSS THE SITUATION AND BROACH THESE IDEAS WITH THE MOO.
7. MG GONZALEZ ADDED THAT THE MOO, MG ENRIQUEZ HAD INDEED MET WITH JENNIFER HARBURY YESTERDAY. HOWEVER, WHILE HE DID NOT HAVE ANY DETAILS OF THE MEETING, HE HAD HEARD THAT IT HAD NOT GONE WELL. MCAFEE

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Date: 08/24/96  
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Issues and Talking Points for the Jennifer Harbury Case  
For Background Briefings  
Drafted 25 October 94(JDH)

Q. What has the Embassy done to support Ms. Harbury's request for information on the whereabouts of her husband, Efraim Bamaca?

—The Ambassador has had several meetings with Ms. Harbury on her earlier visits to Guatemala. The Ambassador has personally met with her three times since she began her hunger strike.

—Now, as on previous visits, we are concerned about her safety and well-being. Consular Officers check with her daily and Embassy security guards check on her throughout the night hours.

—The Ambassador and Embassy officers have had meetings at the highest levels of the GOC—both executive and military—requesting information and pressing for a thorough investigation of the Bamaca case.

—We have requested that President De Leon meet with Ms. Harbury.

—The Embassy has assisted with appointments and meetings for Ms. Harbury when she has requested our help. Consular officers assisted in arrangements and accompanied her for the successful exhumation that took place in August, 1993.

—We continue to support her request for information and share her frustration and disappointment with lack of response.

—Ambassador McAfee has suggested to Ms. Harbury that she meet with individuals and institutions that could assist in pressing her case.

Q. Is it true that Ambassador McAfee has been less supportive of Ms. Harbury's case recently?

—No. The Ambassador and the Embassy continue to give this case priority.

—We understand and share Ms. Harbury's sense of frustration at the lack of progress in resolving this case. Given our concern and direct involvement in seeking information on Bamaca's whereabouts, we feel that it is both inaccurate and unfair to say that either the Embassy or the Ambassador has not given this case top priority.

Q. Is it true that Ambassador McAfee asked (via letter) Congresswoman Morella to delete the Bamaca case from a proposed Congressional resolution?

—The resolution proposed by Congresswoman Morella contained a

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paragraph which accepts, as fact, that there are clandestine cells and political prisoners in Guatemala, including the husband of Jennifer Harbury. Because there is no concrete proof (either way) of this, we suggested that this portion of the resolution be deleted.

Q. Is Efraim Bamaca still alive?

—We have always operated under the assumption that he may be alive, but we don't know.

—We are aware of the allegations that he was taken captive and held by the Guatemalan Army, but we cannot confirm them.

—We have reliable information that the Guatemalan Army has held URNG prisoners on occasion, but we cannot confirm that this was the case with Bamaca.

—We have heard reports that there are clandestine prisons in Guatemala, but we do not have sufficient information to confirm or to deny them.

Q. Should the Embassy cut off aid to Guatemala if no response is forthcoming?

—No. We have to balance three objectives in relation to human rights in Guatemala: (1) Resolution of pending individual cases; (2) Institutional reforms that will improve the overall human rights situation; and (3) Our support for the peace process (as a member of the group of friends) that is a sine qua non for a normalized human rights situation.

—To cut off all non-humanitarian assistance would limit our ability to carry out our three policy objectives.

Q. What if the Guatemalans cut off the dialogue on this case or you reach a point where it is obvious there is no satisfactory resolution? What if there were evidence that Bamaca had been tortured and killed?

—We don't want to get into hypothetical situations. All future decisions will be taken within the context of our overall policy goals (stated above) regarding human rights in Guatemala.

Q. How do you regard the HR situation in Guatemala?

—Still unsatisfactory, but the De Leon government has taken some positive steps, such as agreeing to a United Nations human rights verification commission.

Q. Why deal with Guatemalan authorities, given their dismal

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record on human rights.

—President De Leon was formerly Guatemala's Human Rights Ombudsman and has shown his dedication to pressing forward with democratic reforms that will lead to improved human rights for Guatemalans.

—We hope that the recently-elected Congress and recently-appointed Supreme Court will support the President's efforts.

—Weak governmental and judicial institutions—as well as impunity—continue to impede progress. This is why we support institutional reform.

Q. Why has president De Leon refused to meet with Ms. Harbury?

—We don't know why. The Ambassador has personally asked that he do so.

Q. What has President De Leon said about the case?

—Last year, according to local media, President De Leon stated that "Unfortunately, what she is asking is outside our ability to give. He (Bamaca) without a doubt died in combat and is buried somewhere, as has happened with many other Guatemalans." (Note: This quote comes from September, 1993, when Ms. Harbury conducted her first hunger strike in Guatemala.)

Q. Why deal with the Guatemalan Army, given its poor performance on human rights?

—The Guatemalan Army is one of the country's key institutions (perhaps its only developed institution). It must be a party to any progress in human rights and democratic reform.

—The Army has supported the peace process, including the agreement on a verification commission.

—The Army supported the return to democratic civilian government following former President Serrano's attempted "auto-golpe."

—The Army's record on human rights was worst when it was isolated. We should continue to engage military leaders, especially given the positive steps (listed above) the Army has taken since the "auto-golpe."

Q. What has General Enriquez said about the case?

—General Enriquez has denied that the Guatemalan Army has Bamaca, and has denied that they know where he is.

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Q. Did Colonel Keller overhear General Enriquez's comment (in Washington) that he thought Efraim Bamaca was alive?

—No one from the Embassy has heard any comment by General Enriquez that would indicate knowledge of whether Bamaca is alive or dead.

Q. Is there widespread interest in Guatemala about this case?

—There have been brief reports in the media, but no indications of widespread interest (there are so many local human rights cases here that very few attract a great deal of attention).

—The GAM has offered its support to Ms. Harbury. This may raise its profile among local media and policy makers.

Q. What is Ms. Harbury's relationship with Bamaca? When did she seek help from the Embassy?

—Ms. Harbury presented a "Declaration and Registration of Marriage" from Travis County, Texas, dating her marriage as September 21, 1991. The declaration was issued June 22, 1993.

—Ms. Harbury first approached the Embassy in March, 1993. This was the first knowledge we had of her case.

Q. Was the body exhumed in Retalhuleu in August, 1993 that of Efraim Bamaca?

—Forensic experts at the scene were convinced that it was not Efraim Bamaca.

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URNG

México, 16 de Agosto de 1992

Señor Procurador de los Derechos Humanos  
de Guatemala  
Lic. Ramiro de León Carpio  
Ciudad de Guatemala

Respetable Señor:

Primero deseamos expresarle nuestra satisfacción por haber sido usted reelecto en tan importante cargo. Lo felicitamos y le deseamos éxito en el desempeño de sus funciones humanitarias.

En seguida, le solicitamos interponer sus buenos oficios ante el hecho que de inmediato le relato:

El 22 de julio de 1992, fueron capturados por el Ejército de Guatemala, dos vecinos de Concepción Chiquirichapa. Son colaboradores nuestros. Ellos efectuaban compras en la Ciudad de Quetzaltenango, cuando ocurrió la captura. Tenemos información que los han exhibido amarrados y con señales de golpes en las poblaciones cercanas a San Martín, San Juan Ostuncalco y Concepción Chiquirichapa. Esto lo hacen las patrullas del Ejército. Sus nombres y edades aproximadas son: Roberto Everardo Sánchez Velásquez de 33 años y Pedro Víctor González Cortez de 24 años. En base a los convenios de Ginebra sobre Derechos Humanos y en apego a los protocolos adicionales relacionados con el respeto a la integridad de las personas en situaciones de conflicto armado interno, de la manera más atenta le solicitamos que interponga sus buenos oficios para que se indague oficialmente acerca de los hechos relatados y se garantice la vida y la integridad física y mental de los capturados.

Sin más por el momento y en espera de sus noticias, nos despedimos cortesmente de su señoría.

*[Signature]*  
Dr. Francisco Villagrán Muñoz  
COMISION POLITICO-DIPLOMATICA

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Review Authority: MOSKOWITZ, SAM  
Date: 08/24/95  
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URNG

10 de Mayo de 1992

Lic. Ramiro de León Carpio  
Procurador de los Derechos Humanos  
República de Guatemala

Señor Procurador:

Reciba de nuestra parte un atento saludo. El objeto de esta breve comunicación es reiterar ante Ud. la solicitud que le hicieramos el 24 de abril de 1992, relacionada con la muerte del Comandante Everardo. No pensamos que está por demás manifestarle nuestra profunda preocupación por el caso y le pedimos tomar en cuenta que desde el 12 de Marzo no tenemos información sobre el paradero del Comandante. Estamos plenamente informados de los graves sucesos del país y de las limitaciones de comunicación que existen a raíz del traslado a la nueva oficina, pero, respetuosamente, le solicitamos se comuniquen con nosotros por la vía telefónica o por fax, para enterarnos de cuál es el avance de la gestión emprendida por nosotros ante Ud.

Agradeciendo anticipadamente su intervención pronta para esclarecer lo planteado, me despido de Ud. con muestras de consideración y respeto.

*[Signature]*  
Dr. Francisco Villagrán Muñoz  
COMISION POLITICO-DIPLOMATICA DE URNG

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

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Case ID: 951222B4

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SEÑOR JUEZ DE PRIMERA INSTANCIA PENAL DE INSTRUCCION DE  
RETALHULEU:-----

MARIA IRMA ARRIAZA DE HERRERA, de treinta y ocho años de  
edad, casada, guatemalteca, Abogada y Notario, con domicilio  
en la Ciudad de Guatemala, señalo como lugar para recibir  
notificaciones la sede de la Auxiliatura de la Procuraduría  
de los Derechos Humanos ubicada en la quinta avenida más  
cero uno de la zona uno de esta ciudad, y actuando en  
mi calidad de Directora del Departamento de Registro de la  
Procuraduría de los Derechos Humanos, bajo la Dirección y  
Procuración de los Abogados que me Auxiliaron ante Usted, con  
el debido respeto comparezco y expongo la siguiente:

RELACION DE HECHOS:

Que por denuncia presentada al Departamento de Registro de la  
Procuraduría de los Derechos Humanos, por parte de el Señor  
FRANCISCO VILLAGRAN MUÑOZ, se tiene conocimiento sobre la  
supuesta muerte del Señor EFRAIN RAMACA VELASQUEZ, acaecida  
entre los días doce y catorce de marzo del año en curso, en  
Cantón Montufar de Nuevo San Carlos municipio de este  
departamento y que al no ser posible identificar el cadaver  
de la persona citada en su oportunidad fué sepultado como XX  
entre los días trece y catorce de marzo del año en curso, en  
el Cementerio de la Ciudad de Retalhuleu.  
El Señor EFRAIN RAMACA VELASQUEZ, es originario de la Finca  
el Tablero, Municipio de el Tumbador departamento de San

1 notificaciones;

2 C) Que se tenga como Abogados Directores a los  
3 Profesionales Auxiliares;

4 D) Que se ordene la exhumación del Cadaver sepultado entre  
5 los días trece y catorce de marzo del año en curso en el  
6 Cementerio General de la Ciudad de Retalhuleu, para la  
7 práctica del Reconocimiento respectivo.

8 E) Que se señale día y hora para la práctica de la  
9 exhumación solicitada.

10 CITA DE LEYES: Artículos: 11-14-16-26-31-44-47-54-64-101-  
11 214- 305-309-324-333-354-355-361-362-363-369-382. Del

12 Código Procesal Penal. 8-13-14-20-21-22-24-26, de la Ley  
13 de la Comisión de Derechos Humanos del Congreso de la  
14 República y del Procurador de los Derechos Humanos.

15 Acompaño duplicado y tres copias del Presente memorial.

16  
17 Retalhuleu, 5 de Mayo de 1992.

18 A RUEGO DE LA PRESENTADA QUE POR EL MOMENTO NO PUEDE FIRMAR  
19 Y EN SU AUXILIO:  
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SEÑOR PROCURADOR DE LOS DERECHOS HUMANOS:

En cumplimiento de las instrucciones que me fueran dadas por su persona respetuosamente me permito informar a usted, que el día de ayer seis de los corrientes me apersoné en las instalaciones del Hospital Nacional del departamento de Retalhuleu con el objeto de recabar toda la información necesaria acerca de los ingresos de pacientes, y cadáveres que ingresaron a dicho hospital en el mes de marzo del año en curso, lamentablemente la información recabada resultó ser negativa para los efectos de nuestra investigación solicité una entrevista con el Médico Forense de dicho hospital, persona que fue imposible localizar en los distintos lugares que me fueron indicados para encontrarlo. Me hice presente en el Juzgado de Paz de dicho departamento donde a través de personas que no quisieron proporcionar su nombre me fue confiada información importante que me permitió localizar el expediente número 395-92 a cargo del oficial segundo en el Juzgado Segundo de Primera Instancia Penal de Instrucción, (proceso sobreaveriguar) en donde consta que el Juez de Paz del departamento de Retalhuleu, el día trece de marzo del año en curso a las trece horas a orillas del río, Ixcucú del Cantón Montufar Municipio de Nuevo San Carlos del mismo departamento, levantó el cadáver de sexo masculino, sin identificación cuyas características eran: Moreno, cara redonda, frente amplia, ojos color café, cejas pobladas, nariz chata, boca grande, pelo lacio color negro, labios gruesos, bigote rasurado, de complexión fuerte de una edad aproximada de treinta años con una estatura de un metro con sesenta centímetros, vestía camisa manga larga color verde olivo, pantalón del mismo color, calzoncillo blanco con líneas celestes, calcetines celestes, botas de

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combate color negro, portaba en el pecho un cinturón nylon con una porta cantimplora, mochila color verde oliváceo conteniendo comida enlatada, medicina variada, y una lona para casa de campaña, portaba en sus manos una carabina fabricación china con número de serie 84MCO0478AD47, calibre 7.62 con dos tolvas conteniendo 28 balas cada una y una bolsa plástica conteniendo 72 balas del mismo calibre. El cadáver presentaba proyectiles de arma de fuego en la espalda a la altura de la cintura y columna, el cráneo destrozado por proyectil, por versiones de personas que tuvieron acceso a algún tipo de información, y que colaboraron conmigo sin que se identificaran señalan que esta persona al caer herida y estar rodeada por miembros del ejército se disparó con su arma en la boca teniendo la bala como orificio de salida el occipital, razón por la que demuestra los destrozos provocados en su cráneo. El informe médico forense resulta ser contradictorio con el acta de levantamiento de cadáver, pues el diagnóstico médico indica asfixia por estrangulamiento, contusiones de cuarto grado y tórax, y así se asentó en la partida de defunción número 41 folio 309 del libro 45 del Registro de defunciones respectivo.

De conformidad con los datos que me fueron proporcionados inicialmente por su persona, encontré coincidencia en los rasgos físicos del cadáver por lo que diligencé en mi calidad de abogado asesor de la Procuraduría de los Derechos Humanos los trámites tendientes a la exhumación de dicho cadáver, y por conversación con el señor Juez Segundo de Primera Instancia Penal de Instrucción de Retalhuleu, la misma se llevará a cabo el día 14 de mayo del año en curso de preferencia en las primeras horas de

UDOS 001430

día; para confirmar el cumplimiento de la misma se estar.  
informando nuestro Auxiliar departamental los días jueves  
viernes de la presente semana. Quiero dejar constancia que  
en la investigación realizada prestaron una valiosa e  
importante ayuda los Licenciados Víctor Villeda y Raúl  
Rodríguez Ovalle.

Agradezco la confianza depositada en mi persona y me  
permite manifestar las muestras de mi personal estima al  
Señor Procurador, esperando haber cumplido con la tarea  
encomendada, respetuosamente. —

VDOS 001431

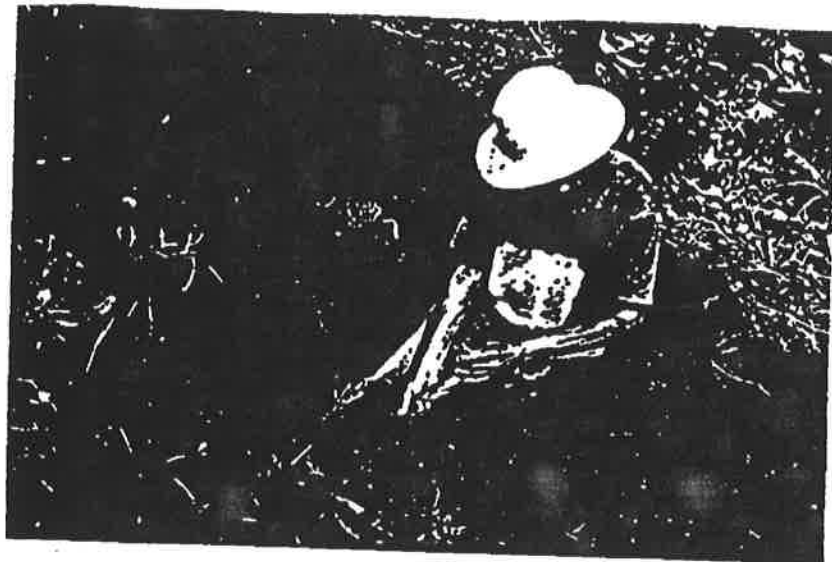


PROCURADOR DE LOS DERECHOS HUMANOS  
12 AVENIDA 13-72, ZONA 1  
APARTADO POSTAL 585-01001  
GUATEMALA, C.A.



0005 001432

PROCURADOR DE LOS DERECHOS HUMANOS  
12 AVENIDA 18-7E, ZONA 1  
APARTADO POSTAL 846-81801  
GUATEMALA, CA.



VDOS 001433

PROCURADOR DE LOS DERECHOS HUMANOS  
18 AVENIDA 18-72 ZONA 1  
APARTADO POSTAL 556-01001  
GUATEMALA, G.A.



0005 001434

RN

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Notes

RELEASED

E4334

RDC - told us

Nuccio/Harbury

meeting

19/27/94

Spec. Investigator - ask

Fisc. Gen

for spec. inst

(Ramus??) as spec. investigator?

- we asked him what int'l role?

- Recomm. uningua

(we talked to him after his announcement)

CSA  
Alvarez  
Gundam

RN - we'd prefer to talk it thru w/ management to make sure the details are worked out to make sure little time lapse b/t when v announced. rather it-stay

H - we killed w/ MCD - asked him re: announcement. he said - we think they're good.

SJ - It's been investigated - don't want to tie it up in red tape w/ a commission. They'll obviously a lot of time will go by & he'll be dead. We've investigated it -> They have him

327225  
AMEMBASSY GUATEMALA  
CONSULAR SECTION

- we -> is F; The Inter? Commission

The UN - USA  
- They want our money -> & they'll get it - the issue will go away - will buy time

RN - what's the alternative? -> If they give him back - if he's dead at trip of course fine - he's dead - they go to jail - I'll just say get him out of Egypt.

RN Achazay told me he'd made offer similar to this. hasn't produced anything.

SJ -> coz they have no incentive. They have n'th to lose if they don't - SP - Achazay to ASST. Sec for PIA  
if they do -> I will stop hunger strike -

RN - You think we have capacity to produce this -

SJ -> F think if there are any economic sanctions they'd break - w/ coup - we cut off & RDC because prep.

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0005 001438

KN

3) R. Asf → has raised it directly (our efforts) hasn't produced desired response. (E4335A)

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JH - even a commission w/ MINUGUA contract - they have relations they'll not find him -

JK - you don't think info verification is worthwhile at all?

JH → In my husband's car, they can move him at 471 / say he's not here.

JK - they could interview a lot of people who may have seen him

JH - I have all these techniques → Anyway → even if find more evidence that they have him now, he'd die -

RN - I don't think the appl. of an int'l. investigator would solve his life -

RN - Int'l response is better. Not bilateral - more likely to produce the right result. Some countries have agreed they haven't said -

JH → What steps?

RN - (MINUGUA won't be in place until Nov. 15) - it would help convince MINUGUA if all friends would make unanimous recommendation.

JH - I'm happy for MINUGUA to take it on -

AMB - What are your thoughts -

JH → cut off trade privileges - until he is produced, H. rights violations go down. - could get money back even right by not shooting anymore people & produce his body - they can create false witnesses -

→ R. Asf interviewed personally in that unit before COG got to them) & they all testified he was unhurt. - no one saw him disappear. No body on the ground.

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CONSULAR SECTION

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- How many people were in the unit at the time of the firefight.

JK → didn't Rodrigo Asturias - send him a letter w/ description? NO. <sup>Der. him -</sup>

RN - where does the OAS case stand? JH responded - they are convinced. Issued a protective        on behalf of clandestine prisoners.

JH - Do you know if they have ever sent a case to the Inter Am. Court?

RN - have you talked w/ the ICRC JH their hands are tied, JH - They never even asked to interview the 2 witnesses -

RN - would ICRC's entrance be helpful? From your pt. of view? JH - what can they do?

RN - go to prisons & interview prisoners -

JH - that doesn't help. If army tells them (over and over) it's not there - then they stop accord to their regulations →

AMB - would you use anyone as an intermediary w/ the army? JH → you? ridiculous for you. If he's not alive, then what's his body?

RN - last time we had some relations, cut off relations - didn't work so well → didn't maximize the good guys - maybe the bad guys - would end up being able to take over.

JH - it worked slower then cuz had more money from oil in early 90's. Now they don't.

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DDOS 001442

10/28

P.2

E4339

**CBS  
NEWS**

A Division of CBS Inc.  
524 West 57 Street  
New York, New York 10019  
(212) 676-4321  
BY FAX

Ms. Charity Dennis  
Media Liason  
U.S. Department of State

October 27, 1994

Dear Ms. Dennis,

I am a producer for the CBS News Magazine "60 Minutes". We are preparing a segment on the human rights situation in Guatemala, and the campaign of Ms. Jennifer Harbury for information about her husband, a Guatemalan national.

We have been informed by the U.S. Embassy in Guatemala that the Ambassador is not authorized to talk with us: So we would like [1] to appeal that decision so that she may talk with Mike Wallace, our correspondent, on camera either on October 31 or November 1 in Guatemala City; or [2] that the Department make available either the Assistant Secretary for Latin American Affairs or the Assistant Secretary for Human Rights in Washington, D.C.

Mr. Wallace is available to conduct the interview with either Assistant Secretary during the afternoon of November 7.

For your information we have requested interviews with Ms. Harbury, the President of Guatemala and the Defense Minister as well as Senator Christopher Dodd and others.

I can be reach starting tomorrow evening at the El Camino Hotel in Guatemala City [502-2-334-633]. Mr. Wallace's office can also get messages to either of us [212-975-2997] or you can leave messages on a 24 hour answering service [510] 528-9553 which I check daily.

Sincerely,

*Lowell Bergman*  
Lowell Bergman  
Producer / 60 Minutes

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Office of FOI, Privacy, & Classification Review  
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Date: 08/22/95  
Case ID: 951222B5

Lee/Anne - **RELEASED**

DAVE Johnson wants your recommendation on this.

How to respond -- ON CAMERA, IN WRITING, what?

He's of the mind we should go ON RECORD to defend our role. PLS ck w/ him & McCurry.

(Perhaps best for McAfee to do on camera.

AFW away on Nov 7. Do you want shaft to ck to do this!?

MW

CC: CGN.  
John H.

ARA/CGN-283

AmEmbassy  
Guatemala  
Peg Willing  
Key letter Ri.  
Harbu

UDDS 001463



8.A  
[REDACTED]  
AMEMBASSY GUATEMALA  
SECSTATE WASHDC, IMMEDIATE  
INFO USMISSION USUN NEW YORK, IMMEDIATE

E.O. 12356: decl: oadr UNCLASSIFIED  
TAGS: phum, pins, prel, pgov, marr, gt  
SUBJECT: JENNIFER HARBURY CASE: MEETINGS WITH THE  
PRESIDENT AND FOREIGN MINISTER

1. CONFIDENTIAL -- ENTIRE TEXT.

B5

2. SUMMARY: ARA Senior Adviser Dr. Richard A. Nuccio and the Ambassador met separately October 27 with President Ramiro De Leon Carpio and Foreign Minister Marithza Ruiz de Vielman on the Jennifer Harbury/Efrain Bamaca case. Prior to his meeting, the President had announced specific measures to investigate the disappearance of Bamaca, including naming an overall coordinator and special prosecutor. In addition, the Prosecutor General has filed a "habeas corpus" on Bamaca's disappearance

RELEASED IN PART  
B1,A3,A5,B5

3. The President also privately added MINUGUA could/could play a role in verifying the GOG investigation. In an October 28 meeting with the MINUGUA acting director, the Ambassador was told that the President has indeed asked them to play a role.

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[REDACTED]  
[REDACTED] Nuccio said the U.S. was not trying to weaken De Leon, but to solve this problem and that both the GOG and URNG needed to address what happens/happened to prisoners and clarify the clandestine prison concern. [REDACTED]

B1

[REDACTED]  
[REDACTED] End summary.

B1

4. ARA Senior Adviser Dr. Richard A. Nuccio met separately October 27 with President Ramiro De Leon Carpio and Foreign Minister Marithza Ruiz de Vielman on a number of topics (septels), including the Jennifer Harbury/Efrain Bamaca case. The Ambassador and PolOff attended the Presidential meeting, while the Ambassador, DCM, PolCouns and PolOff participated in the session with the Foreign Minister, who was accompanied by White House Ambassador Edmund Mulet.

Public Announcement  
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5. The President received Dr. Nuccio, the Ambassador

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AMEMBASSY GUATEMALA  
POLITICAL SECTION

0005 001514



and PolOff after an hour wait, necessitated by an impromptu press conference where he announced measures to deal with the Bamaca case. (Note: This wait was put to good use as the case was discussed with Presidential Chief of Staff Otto Perez Molina.) De Leon announced a special task force will be created to run the investigation into the whereabouts of Bamaca, headed by Guatemalan OAS Ambassador (and former Deputy Human Rights Ombudsman) Cesar Alvarez Guadamuz. The President also stated the Prosecutor General and Solicitor General would take actions, the latter naming a special prosecutor ("fiscal especifico").

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6. De Leon further stated he would "open all doors and facilitate" the investigation into the case of "persons belonging to entities and institutions." Separately, Solicitor General Acisclo Valladares filed a "habeas corpus" on October 27 in favor of Bamaca before the Supreme Court. For his part, Prosecutor General Ramses Cuestas told the press that, if necessary, he would investigate whether clandestine prisons exist as part of this matter.

#### Presidential Meeting

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7. Apologizing for being late, the President told Nuccio he recognized the importance of the Bamaca case and the potential for it to "snowball." He then related some of the specifics of his public announcement, noting Alvarez would be in charge of the investigation and that MINUGUA could/could participate. De Leon added some in his government have told him the UN Verification team could not do any investigations, but he said it could talk to persons and follow the matter. The president implied he basically saw this "investigation vs. verification" concern as a semantic difference.

8. The President continued he wanted to clarify that, when Human Rights Ombudsman, he received a description of Bamaca from the URNG that he later included in a letter (he gave us a 1992 fax from the URNG with Bamaca's physical characteristics.) This info did not come from army intel, he underscored, as some have charged. (Note: The URNG fax does not include as detailed a description as that in the De Leon letter, a point Harbury made to Nuccio at a brief Central Plaza meeting prior to a longer private session. Our files, however, contain a document suggesting the description came from the court records of a justice of the peace -- copy sent to ARA/CEN.)

9. De Leon then said all indications are that Bamaca died in combat, perhaps being carried away for burial by his comrades. The problem is there is no body to prove this. De Leon mused it is almost impossible to prove a negative -- that the army does not have Bamaca -- though he was willing to "open the doors" of all military bases to prove it. Hopefully the Alvarez Guadamuz led investigation will find the truth. the President said. If Bamaca's body is

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located it would help solve the matter; if the body showed signs of torture, this would also be investigated.

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10. Nuccio responded that while the Bamaca matter was not the clearest human rights case to deal with, it was important to find the truth. In addition, it had the potential to seriously damage bilateral relations. To help find the truth, and limit bilateral damage, verification by MINUGUA of the investigation was key. Nuccio noted he had discussed a possible MINUGUA role with Acting mission head Fernando Castanon in Mexico a day earlier.

B1

12. Misunderstanding, De Leon responded an investigation by U.S. police into the Bamaca disappearance would violate Guatemalan sovereignty. The Ambassador clarified we meant the U.S. police members would be on the MINUGUA staff and De Leon said, in that case, he would have "no problem" with it. Nonetheless, De Leon said this would have to be carefully handled so as not to raise political/sovereignty concerns. The President observed he was committed to "achieving positive results" in this and other human rights cases.

B1

14. In closing, the Ambassador and Nuccio urged the President to communicate his actions on the case directly to Harbury, perhaps using Solicitor General Acisclo Valladares as the messenger. The President said he would consider this and also said he would see Harbury if necessary.

B1

Foreign Minister Session  
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15. The Foreign Minister and Ambassador Mulet came to the residence in the evening, crossing paths with Jennifer Harbury who was just leaving after speaking with the Ambassador and Nuccio. Whereas Mulet shook Harbury's hand, De Vielman went out of her way to ignore and be cold to the hunger striker. The Foreign Minister visibly stiffened after a conciliatory start to the meeting with the Ambassador and Nuccio when the Harbury topic was raised.

16. In opening discussion of the Harbury matter, Nuccio revisited the question of possible damage to bilateral relations, noting his fear the case would give ammunition to those seeking to attack Guatemala and the peace process. He suggested one way to limit this damage would be to allow "international accompaniment" to the national investigation, specifically by MINUGUA. Such a move could help forestall pressure for the U.S. to act unilaterally, he said.

B1

Nevertheless, the investigation would be thorough and under the tutelage of OAS Ambassador Cesar Alvarez Guadamuz, whom she had recommended and freed from most duties.

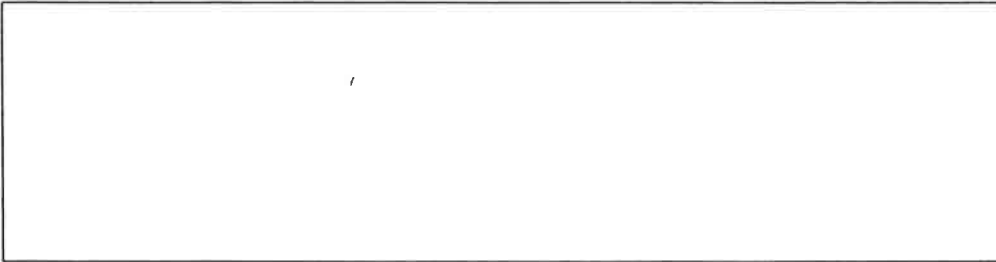
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U D O S 001517

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20. Nuccio responded, "It would be a mistake to conduct the investigation of this case or clandestine prisons just for international consumption." These were Guatemalan concerns that needed to be clarified for the good of the country. De Vielman answered the announcement was for international consumption; the investigation itself, however, will be done because it is necessary. She cautioned, though, that "if you want progress in the peace process, you can't weaken the President" by expecting him to jump through hoops. Keep the "global picture" in mind, she said.

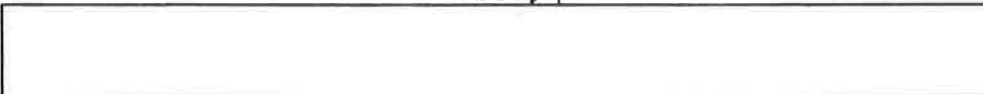
21. Answering, Nuccio said the U.S. was not trying to weaken De Leon, but to solve this problem. He continued both the GOG and URNG needed to address what happens/happened to prisoners and clarify the clandestine prison concern. De Vielman said she could not speak of the past, but no clandestine cells exist today. Continuing, she said it was important to recognize what demands are reasonable and what are not. The Foreign Minister also stated while she hoped and expected the GOG investigation would clear up the matter, there may come a point when a deadend will be reached. If the investigation has been fair, she hopes the U.S. will accept and appreciate these efforts, even if no final answer is found.



B1

Comment: Proactive president, reluctant minister  
-----

23. The moves by the President are encouraging and show a recognition of the importance of this case. In addition, MINUGUA Acting Director Fernando Castanon told the Ambassador and PolOff in an October 28 meeting that De Leon has asked his organization to take on the Bamaca case, saying it fell within MINUGUA's mandate. (Note: He also asked Castanon to take on the "La Exacta" case.)



B1

24. This cable has not been cleared by Dr. Nuccio.

MCAFER

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U D O S 001518

RELEASED IN PART  
B6

E4370

Date 28 Oct 94  
To:  
Richard Nuccio  
Peg Willingham  
John Shattuck  
State Department  
2201 C Street NW  
Washington, DC 20520

ACA Int  
Office  
RNuccio  
123

I write to express concern over the human rights abuses in Guatemala, especially the 35 being held in clandestine prisons, including Efraim Bamaca Velasquez. They must be accorded fair and public trials in compliance with international law.

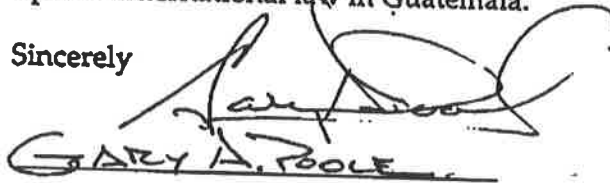
As State Department officials involved in Guatemalan affairs, I expect you to take a clear stand for justice and I believe that economic sanctions are the only means of forcing the military to obey international law and respect human rights. Because of the increase in violence toward labor leaders, you should also support a revocation of trade relations until human rights are respected.

I am appalled at your lack of discussion of these cases with the Guatemalan military. You must go beyond "mentioning" the case to act decisively, showing clear consequences in the event they do not comply with international law.

I will be working diligently in support of economic sanctions, including a U.N. sponsored boycott of aid.

Please keep me informed of your efforts to foster human rights and uphold international law in Guatemala.

Sincerely

  
GARY A. POOLE

[Redacted signature block]

B6

cc: Guatemalan Embassy

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/24/95  
Case ID: 951222B6

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1992-95 Releasable

Memo/Letters

GUATEMALA

#327226

October 28, 1994

RELEASED

ET

E4372

Talking Points: Harbury/Bamaca

ARA/CEN suggests drawing on the following points when answering Congressional and public inquiries about the case of Amcit Jennifer Harbury and Guatemalan citizen Efrain Bamaca:

- The U.S. Embassy in Guatemala and the State Department have been working on the case of Efrain Bamaca since it first came to our attention in March 1993.
- Our efforts are directed toward getting Guatemalan authorities to conduct a thorough, credible investigation into his whereabouts. We've raised this with the President, Minister of Defense, Foreign Minister and Ambassador to the U.S., Attorney General and with a multitude of lower level government and military officials.
- There was an encouraging development October 27, when President de Leon announced he is appointing Alvaro Guadamuz as a special investigator in the case.
  - Guadamuz, Guatemala's Ambassador to the OAS, was de Leon's deputy when de Leon was Human Rights Ombudsman. He has a good reputation in Guatemala and abroad for his commitment to human rights.
- De Leon said Guadamuz will work with the Attorney General and other GOG officials and that the GOG would "open all doors."
- De Leon also said that the UN Human Rights Verification Mission (MINUGUA) can play a cooperative role in the investigation.

For Congressional staff and US executive branch officials only: We will follow up on this aggressively with the UN.

- We have no solid information as to Bamaca's current whereabouts or whether he is alive. We have always acted on the assumption, however, that he may be alive.
- Ambassador McAfee has taken an extraordinary interest in the case. She has met personally with Jennifer Harbury on many occasions, and has visited her five times since Harbury began her hunger strike October 11, most recently October 27.
- That interest extends throughout the Embassy staff. Our consular and political sections have provided a great deal of assistance to Ms. Harbury, including facilitating an

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exhumation and arranging for meetings with high-ranking Guatemalan officials.

- We are also concerned with Harbury's health. Our consular officers are visiting her daily and we have made special representations both in Washington and in Guatemala to ensure her physical security.

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Drafted:ARA/CEN:FWillingham/JHamilton  
SEARAELG 20925 10/28/94 x73559

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E4375A

RELEASED

GUATEMALA: HARBURY/BAMACA CASE

Q: Why did the U.S. Government conceal information about Bamaca's whereabouts from Ms. Harbury?

A: WE ARE NOT ABLE TO DISCUSS INTELLIGENCE WITH PRIVATE CITIZENS.

WITHIN THAT CONSTRAINT, WE HAVE BEEN AS FORTHCOMING WITH MS. HARBURY AS POSSIBLE AND HAVE GONE TO EXTRAORDINARY LENGTHS TO GIVE HER ASSISTANCE.

AS WE TOLD 60 MINUTES, WE RECEIVED INCONCLUSIVE INFORMATION FROM THIRD-PARTY SOURCES THAT SUGGESTED THAT BAMACA MAY HAVE BEEN CAPTURED BY THE GUATEMALAN ARMY RATHER THAN HAVING DIED IN COMBAT, AND THAT HE MAY HAVE BEEN ALIVE IN THEIR CUSTODY IN 1992.

WE DO NOT KNOW IF MR. BAMACA IS ALIVE OR DEAD AND WE HAVE NEVER HAD ANY INDICATION THAT HE WAS LIVING AT ANY TIME AFTER WE BECAME INVOLVED IN THIS CASE.

NEVERTHELESS, AND IN THE ABSENCE OF SOLID EVIDENCE ONE WAY OR THE OTHER, WE HAVE ASSUMED THROUGHOUT THAT HE COULD STILL BE ALIVE, AND WE HAVE ACTED ACCORDINGLY, PRESSING THE GUATEMALAN GOVERNMENT PERSISTENTLY AND AT THE HIGHEST LEVELS FOR A FULL ACCOUNTING.

ALTHOUGH THE GUATEMALAN ARMY HAS ADMITTED IN THE PAST TO HOUSING ON MILITARY BASES FORMER GUERRILLAS WHO HAVE AGREED TO COOPERATE WITH THEM, THEY HAVE REPEATEDLY MAINTAINED THEY DO NOT HAVE, AND HAVE NEVER HAD IN THEIR CUSTODY.

United States Department of State  
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Date: 08/24/95  
Case ID: 951222B6

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0005 001559

10/31/94	14:35
Rep. Okey	Pass
(202) 225-3240	

G-RC/USA

647-0791

Oct. 29, Day 19, 1994

RELEASED

Dear Friends

Sorry not to have written for so long -- but this week has been extremely wild. The press has pretty much exploded on the story -- evidently feeling safe now that People and Sixty Minutes are arriving. I'm still in surprisingly good shape -- walking back and forth to the hotel each day and reading, talking to people and doing non-stop interviews. "Suero" (electrolyte solution) is literally keeping me alive and clear headed -- it's medically measured solution with the potassium, salts, and bit of sugar I need to maintain proper biochemical functions. It works great. Also -- a nurse is here for the week to monitor me.

My birthday was the best ever -- I got serenaded and received tons of flowers, cards, poems and hugs. The Guatemalan people are the best.

Inside the Palace it is clear that everyone is flipping out, quite literally. The press keeps filling me in on the "Explanation of the Day" -- each one more ridiculous than the last. Even old "Grandpa" General Enriquez loses his cool with them these days. In one nasty turn they threatened to pick up a recently "released" prisoner (he is in his home town and is being pressured to inform against fellow villagers, always via threats against his family members). So far he has refused to collaborate and foreigners have visited regularly to inhibit any punishment. However, the army was talking about "finding him so he can tell how he knows Everardo died in combat." We've videoed him saying the contrary -- and warned him. Will keep in close contact. There is also a lot more talk about how all Indians look alike....

Meanwhile, I am once again furious with Richard Muccio of State Department. He came down to talk with Army and gov't. officials about this case...and of course talked to me last -- (so no prior input on his plans). He said he asked the Minister of Defense if he had really negotiated with me in January and June, and of course the Min. denied it strongly. Muccio explained he was quite credible and this this was merely my "wishful thinking" at work. The Min. of Defense of course, has lied at every turn but Muccio finds him "credible here even though he himself was not present at the discussions (no one was -- he won't bargain in front of witnesses).

Muccio also discussed a great new "solution" -- the President has announced a special investigatory commission which may have international participation. I have no objection to this but I'm certainly NOT leaving the case for yet one more investigation. The Inter-American Commission of OAS has been investigating since March 1993 -- Monica Pinto of the UN has been looking into it and the UN Committee of Forced Disappearance has had it since 1993. It's also been protested by Congress, Senate, and all of the human rights groups. We have the documents in black and white and a film of the exhumation.

By the time I go back to square one and knock down all of the army's crazy arguments and terrified witnesses we will have

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Date: 08/22/96  
Case ID: 951222B7

1995  
NEWS STORIES  
GUATEMALA  
ARA 3

UDDS 001565

lost another year and Everardo will be DEAD. It's too late. They are welcome to investigate and I will give full access to all of my files. I will cooperate in all ways.

However, I will not leave the Plaza. They must give me back Everardo, or else his body. If I leave, all the pressure will die down, time will pass, he will die, and by the time a conclusion is reached, it will be but one more "tragic case of the past to be forgiven and forgotten in the name of peace."

I will not go back to square one. I will not allow him to be secretly detained and brutally tortured for 2 and 1/2 years, then assassinated in some dark corner as if he were garbage. Quite literally, that will happen over my dead body. I'd rather die.

I want him or his body back NOW.

Abraces

-- Jennifer

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CONFIDENTIAL

RELEASED IN PART  
B1,A3,A5

Rick/JohnH:

The local friends met with Jean Arnault on Saturday, October 29. I attended for the Embassy. After the meeting, I privately spoke to Jean for about five minutes on the Harbury/Banaca case.

I noted to Jean that Jennifer was on day 19 of her hunger strike and I understood serious mental and physical deterioration could be expected from day 20 on.

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I should also note press picked up on Jennifer this weekend, the "hook" being Rick's visit, threats against GSP continuing and overall U.S. interest in the case. An article in "Siglo XXI" states, "Although Ramiro de Leon

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assures there are no (external) pressures, official sources indicated that the North American envoy, Richard Nuccio, asked him to form an investigating commission with the participation of U.S. agents, a request that was rejected by the President."

Len

(cc:Amb/DCM/DAO/POL/ECON/HS/PW)

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PROG 10/31/94  
AMB:MMCAFEE  
DAO:DEKELLER  
POL: LKUSNITZ,  
POLM

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Review Authority: MOSKOWITZ, SAM  
Date 08/23/95  
Case ID: 951222B7

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*ARA Front office*  
*Spec aut.*

AMEMBASSY GUATEMALA  
SECSTATE WASHDC, PRIORITY  
INFO USMISSION USUN NEW YORK, PRIORITY

ARA 1 of 3  
RELEASED IN PART  
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E.O 12356: DECL: OADR  
TAGS: PHUM, PINS, PREL, PGOV, MARR, GT  
SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY  
CASE DISCUSSED.

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. ARA SENIOR ADVISER DR. RICHARD A. NUCCIO, THE AMBASSADOR, AND DEFENSE ATTACHE MET WITH MINISTER OF DEFENSE GEN ENRIQUEZ ON OCTOBER 27. THE GT ARMY CONTRIBUTION TO THE MNF IN HAITI AND THE PEACE PROCESS WAS DISCUSSED. DR. NUCCIO RAISED THE JENNIFER HARBURY/EFRAIN BAMACA CASE AND EMPHASIZED THE IMPORTANCE OF A THOROUGH INVESTIGATION OF THE CASE. GEN ENRIQUEZ EXPLAINED THAT AFTER HAVING MET HARBURY FIVE TIMES, HE NO LONGER BELIEVES SHE IS A SINCERE PERSON LOOKING FOR HER HUSBAND, BUT A POLITICALLY MOTIVATED PROFESSIONAL. GEN ENRIQUEZ DOUBTED ASPECTS OF HER CASE SUCH AS IDENTIFYING HERSELF AS A REPORTER DURING THE FIRST EXHUMATION ATTEMPT, AND WHAT HE SUSPECTS ARE MARRIAGE DOCUMENTS FILED AFTER BAMACA'S DISAPPEARANCE.

3. WHILE HE PERSONALLY BELIEVES BAMACA IS DEAD, GEN ENRIQUEZ AGREED TO FULLY COOPERATE WITH THE SOLICITOR GENERAL'S PLANNED INVESTIGATION INTO BAMACA'S DISAPPEARANCE. GEN ENRIQUEZ ALSO RELUCTANTLY ACCEPTED MINUGUA VERIFICATION OF ANY INVESTIGATION OF THE CASE.

DR. NUCCIO CLARIFIED A MISINTERPRETATION OF HIS REMARKS IN NEW YORK TO THE EFFECT THAT THE USG WISHED TO "STRENGTHEN" THE URNG, WHEN HE HAD ACTUALLY QUOTED A PREVIOUS MOD STATEMENT THAT THE URNG MUST REMAIN "UNIFIED" IN ORDER TO BRING ALL SUBORDINATE ELEMENTS ALONG TO A FINAL PEACE SETTLEMENT. GEN ENRIQUEZ WAS RELIEVED AT THIS CLARIFICATION, AS THE IDEA OF "STRENGTHENING" THE URNG HAD BEEN AN ISSUE OF SERIOUS APPREHENSION AND DISCUSSION AMONG MANY SENIOR OFFICERS. END SUMMARY.

4. ARA SENIOR ADVISOR DR. RICHARD A. NUCCIO MADE AN OFFICE CALL ON THE GUATEMALAN MINISTER OF DEFENSE (MOD), MAJOR GENERAL MARIO RENE ENRIQUEZ MORALES, ON THE AFTERNOON OF THURSDAY, 27 OCTOBER. ACCOMPANYING HIM WERE THE AMBASSADOR AND DEFENSE ATTACHE. GEN ENRIQUEZ BEGAN THE SESSION BY NOTING THAT HE HAD JUST COME OUT OF A MEETING WITH SOME OF HIS PRINCIPAL GENERAL OFFICERS TO INCLUDE BG BALCONI, THE INSPECTOR GENERAL, BG PINEDA, THE VICE-CHIEF OF STAFF, AND MG GONZALEZ, THE CHIEF OF STAFF, AMONG OTHERS. DR. NUCCIO RESPONDED BY PRAISING THE PRESENCE OF MG GONZALEZ AT THE RECENT CONFERENCE IN SAN FRANCISCO. DURING THE CONFERENCE, MG GONZALEZ HAD RESPONDED TO FEROCIOUS VERBAL ATTACKS IN A DISCIPLINED AND RESPONSIVE WAY, WHICH REQUIRED A GREAT DEAL OF PERSONAL COURAGE. DR. NUCCIO

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EMPHASIZED THAT NOW WE MUST DEMAND THE SAME PARTICIPATION AND COURAGE ON THE PART OF THE CIVILIAN LEADERSHIP IN THE GOVERNMENT AND ELSEWHERE.

#### GT ARMY PARTICIPATION IN HAITI MNF

5. DR. NUCCIO INQUIRED AS TO HOW THE GUATEMALAN PARTICIPATION IN THE MULTI-NATIONAL FORCE (MNF) IN HAITI WAS GOING. GEN ENRIQUEZ RESPONDED THAT SO FAR THINGS WERE GOING VERY WELL. THE GT ARMY HAD MADE GREAT EFFORTS TO HAND PICK THE PARTICIPANTS AND ENSURE THEY WERE WELL PREPARED AND BRIEFED PRIOR TO THEIR DEPARTURE. GEN GONZALEZ HAD JUST BRIEFED THE OTHER GENERAL OFFICERS ON THE EXCELLENT IMPRESSION THE GUATEMALAN TROOPS HAD MADE DURING THEIR TEN DAYS OF PREPARATION IN PUERTO RICO. GEN ENRIQUEZ BELIEVED THAT THE CIVIL AFFAIRS COMPONENT OF THE FORCE WOULD BE PARTICULARLY USEFUL IN BOOSTING THE MORALE AND BRINGING ASSISTANCE AND SERVICES TO THE LOCAL CIVILIAN POPULATION IN HAITI. HE ADDED THAT JUST YESTERDAY HE HAD RECEIVED A LETTER FROM THE UN INVITING GUATEMALA TO CONTINUE ITS PARTICIPATION WHEN THE MNF IS CONVERTED TO THE UN MISSION IN HAITI (UNMIH). GEN ENRIQUEZ CONTINUED THAT THE GT ARMY WAS VERY PLEASED WITH THE OPPORTUNITY TO PARTICIPATE IN HAITI. DR. NUCCIO RESPONDED THAT ON THE CONTRARY, THE U.S. WISHES TO THANK GUATEMALA FOR ITS PARTICIPATION IN THE MNF IN HAITI.

#### PROGRESS IN THE PEACE TALKS

6. DR. NUCCIO CONTINUED THAT HE HAD JUST COME FROM MEXICO CITY WHERE A POSITIVE ROUND IN THE PEACE NEGOTIATIONS HAD JUST BEEN CONCLUDED. GEN ENRIQUEZ EXPRESSED THE HOPE THAT THE NEXT NEGOTIATING SESSION TO BE HELD FROM 4 THROUGH 9 NOVEMBER WOULD REACH A FINAL ACCORD ON THE RIGHTS OF THE INDIGENOUS POPULATION. HE ADDED THAT YESTERDAY HE HAD LUNCH WITH THE MEMBERS OF THE CONGRESSIONAL DEFENSE COMMITTEE TO DISCUSS THE NEW RECRUITMENT LAW, WHICH MUST BE PASSED AS PART OF THE IMPLEMENTATION OF THE GLOBAL HUMAN RIGHTS ACCORD. OTHER ISSUES DISCUSSED INCLUDED DOWN-SIZING THE ARMY ONCE THE CONFLICT ENDS AND THE ROLE OF RESERVE FORCES WITHIN THE GUATEMALAN ARMY.

#### JENNIFER HARBURY CASE RAISED

7. DR. NUCCIO EXPLAINED THAT HE WAS VERY CONCERNED ABOUT THE HUNGER STRIKE OF JENNIFER HARBURY. THE PUBLICITY AND PROTEST IN THE U.S. CONCERNING THE LACK OF RESPONSE BY THE GOG ON THE CASE HAS REACHED FRIGHTENING LEVELS. THE U.S. CONGRESS AND HUMAN RIGHTS GROUPS ARE VERY CONCERNED ABOUT THE CASE. DR. NUCCIO ADDED THAT HE HAD ALSO RAISED THE ISSUE WITH PRESIDENT DE LEON, WHO PROMISED THAT HE WOULD ANNOUNCE A MAJOR INVESTIGATION INTO THE DISAPPEARANCE OF ORPA COMANDANTE EFRAIN BAMACA, MS. HARBURY'S HUSBAND.

8. GEN ENRIQUEZ RESPONDED THAT HE HAD PERSONALLY MET WITH JENNIFER HARBURY ON TUESDAY, AND HE HAD ALSO TOLD HER THAT HE WOULD ASK FOR AN INVESTIGATION INTO THE WHEREABOUTS OF BAMACA. HE TOLD MS. HARBURY THAT SHE IS NEEDLESSLY SELF-INFLECTING SUFFERING UPON HERSELF, BECAUSE THE GT ARMY DOES NOT HAVE BAMACA. IF BAMACA IS ALIVE HE IS CERTAINLY NOT IN ARMY CUSTODY, AND IF HE REALLY CARED FOR MS. HARBURY, HE WOULD COME TO HER AND SHOW HER THAT HE IS ALIVE, EVEN IF IT WAS IN DISGUISE AT NIGHT, SO THAT SHE COULD END HER SUFFERING. GEN ENRIQUEZ CONTINUED THAT HE ALSO TOLD MS. HARBURY THAT WHEN HE FIRST MET HER HE BELIEVED THAT SHE WAS AN INTELLIGENT AND SINCERE WOMAN MOTIVATED BY HER LOVE OF BAMACA. HOWEVER BASED ON HER MORE RECENT

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BEHAVIOR, HE HAD LOST CONFIDENCE IN HER AND NOW BELIEVED THAT SHE HAD POLITICAL MOTIVES FOR HER HUNGER STRIKE, WHICH HAD CAUSED HIM TO SPEAK SOMEWHAT SARCASTICALLY ABOUT HER CASE TO THE PRESS.

9. GEN ENRIQUEZ EXPLAINED THAT HE HAS NOW SEEN MS. HARBURY FIVE TIMES. HE HAD ALWAYS TOLD HER THAT HE DOES NOT KNOW THE WHEREABOUTS OF BAMACA. THE ARMY NEVER CLAIMED TO HAVE HAD BAMACA, AND IN FACT THE NOTIFICATIONS OF HIS DISAPPEARANCE CAME FROM THE URNG, NOT THE ARMY. GEN ENRIQUEZ SAID THAT HE ALSO TOLD MS. HARBURY THAT IF HE GOES OUT TO THE CENTRAL PLAZA TO SEE HER, IT WILL BE WITH TWO DOCTORS, AND IF THOSE DOCTORS DETERMINE THAT HER HEALTH IS IN DANGER, HE WILL HAVE HER REMOVED TO A CLINIC FOR MEDICAL TREATMENT. (NOTE: GEN ENRIQUEZ' MOST RECENT DISCUSSION WITH MS. HARBURY TOOK PLACE IN HIS OFFICE IN THE NATIONAL PALACE, NOT IN THE CENTRAL PLAZA WHERE SHE IS HOLDING HER HUNGER STRIKE.)

10. GEN ENRIQUEZ THEN EXPLAINED THAT IT IS NOW OBVIOUS TO HIM THAT MS. HARBURY IS WORKING WITH THE URNG. HER BOOK WAS WRITTEN AND SOLD TO RAISE FUNDS FOR THE URNG. SHE SYMPATHIZES WITH RODRIGO ASTURIAS, THE ORPA LEADER. MS. HARBURY'S HUNGER STRIKE IS A POLITICAL ACT BEING CONDUCTED BY A PROFESSIONAL; SHE IS NOT THERE TO RECLAIM HER HUSBAND LIKE HE HAD ORIGINALLY THOUGHT. HER CURRENT ACTIVITIES IN FRONT OF THE NATIONAL PALACE ARE CLEARLY DESIGNED TO SUBVERT THE STATE, WHICH IS AGAINST THE LAW IN MANY OTHER COUNTRIES. HOWEVER, HERE IN GUATEMALA EVERYTHING IS NOW ALLOWED.

11. GEN ENRIQUEZ SAID THAT DURING HIS INTERVIEW WITH MS. HARBURY, SHE HAD OFFERED TO STOP HER HUNGER STRIKE IF HE WOULD PROMISE TO MAKE BAMACA APPEAR AT SOME SPECIFIED TIME AND LOCATION IN THE FUTURE. HE HAD RESPONDED THAT HE IS SORRY THAT SHE IS SELF-INFLICTING HER SUFFERING, BUT HE CAN NOT MAKE SUCH A PROMISE BECAUSE THE ARMY DOES NOT HAVE BAMACA. THE GT ARMY WOULD NOT DETAIN BAMACA FOR NO REASON. GEN ENRIQUEZ EXPLAINED THAT HE PERSONALLY BELIEVES THAT BAMACA IS DEAD, BUT HE HAS NO PROOF OF THAT, IT IS SIMPLY HIS LOGICAL DEDUCTION.

#### MOD DOUBTS ASPECTS OF BAMACA CASE

12. GEN ENRIQUEZ ADDED THAT THERE ARE MANY DOUBTS ABOUT MS. HARBURY'S CASE. DURING THE FIRST EXHUMATION FOR BAMACA'S BODY THAT OCCURRED IN 1992, MS. HARBURY WENT TO THE CEMETERY AS A REPORTER, NOT AS BAMACA'S HUSBAND. ONLY LATER DID SHE CLAIM TO BE BAMACA'S HUSBAND. GEN ENRIQUEZ ADDED THAT HE WISHED HE HAD THE INVESTIGATIVE CAPABILITIES TO GO TO TEXAS AND OBTAIN THE MARRIAGE RECORDS OF MS. HARBURY AND BAMACA, BECAUSE HE SUSPECTS THE MARRIAGE DOCUMENTS WERE IN FACT FILED AFTER BAMACA'S DISAPPEARANCE. LIKEWISE, THE ARMY NEVER ANNOUNCED THAT IT HAD KILLED OR CAPTURED BAMACA IN COMBAT. THE DESCRIPTION OF BAMACA'S BODY THAT MS. HARBURY CLAIMS WAS SENT FROM THE ARMY IN FACT CAME FROM THE URNG. ALL OF THESE ITEMS CREATE DOUBTS ABOUT MS. HARBURY'S STORY.

13. GEN ENRIQUEZ THEN PHILOSOPHIZED THAT AFTER 34 YEARS OF "DIRTY" WAR, AND THAT'S WHAT IT WAS, AS BOTH THE ARMY AND THE GUERRILLAS HAD DONE DIRTY THINGS, BOTH SIDES ARE UNDOUBTEDLY GUILTY OF ILLEGAL ACTIONS. IF THE GT ARMY HAD NOT DONE WHAT IT DID, GUATEMALA MIGHT PRESENTLY BE UNDER A COMMUNIST GOVERNMENT LIKE THAT OF CUBA. HOWEVER NOW, ONLY THE ACTIVITIES OF THE GOG OR THE ARMY ARE DENOUNCED. FOR EXAMPLE, ONLY A YEAR OR TWO AGO A U.S. CITIZEN WAS CAPTURED BY THE ORPA, PASSED TO THE EGP AND LATER THE FAR, AND THEN MURDERED. YET NO ONE SAYS ANYTHING

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ABOUT THAT CASE. THE ARMY HAS GOOD DOCUMENTATION ON THIS CASE WHICH GEN ENRIQUEZ PROMISED TO PASS TO THE EMBASSY.

MOD AGREES TO FULL INVESTIGATIONS

14. DR. NUCCIO RESPONDED THAT WHATEVER GEN ENRIQUEZ MAY THINK ABOUT THE CASE, IT HAS BECOME EXTREMELY IMPORTANT AND IS ABOUT TO CAUSE THE SKY TO FALL ON GUATEMALA. TO PREVENT THAT FROM HAPPENING A SOLUTION MUST BE FOUND QUICKLY. THE SOLUTION MUST BE CONVINCING TO THE INTERNATIONAL COMMUNITY, EVEN THOUGH IT MAY NOT FULLY SATISFY MS. HARBURY. GEN ENRIQUEZ RESPONDED THAT IN FACT HE HAS ASKED PRESIDENT DE LEON TO ORDER AN INVESTIGATION OF THE CASE. HE HAD ALSO TOLD HIS COMMANDERS THAT IF ANYONE MATCHING THE APPEARANCE OF BAMACA IS SEEN, HE SHOULD BE BROUGHT IN. IF ANY OFFICER KNOWS THAT BAMACA WAS HELD BY THE ARMY AND IS DEAD, HE SHOULD COME FORWARD. IF SOME INDIVIDUALS GOT OUT OF CONTROL AND KILLED BAMACA WHILE HE WAS IN CUSTODY, THEN THEY WOULD BE PROSECUTED. MAYBE A PREVIOUS MOD KNOWS MORE ABOUT THE CASE THAN GEN ENRIQUEZ. GEN ENRIQUEZ EXPLAINED THAT THE ONLY SERIOUS CASE OF WHICH HE HAS FIRST HAND KNOWLEDGE BECAUSE IT OCCURRED WHILE HE WAS MINISTER WAS THE MURDER OF JORGE CARPIO, AND THAT CONTINUES TO BE INVESTIGATED.

15. GEN ENRIQUEZ ADDED THAT HE HAD ALSO ASKED THE HUMAN RIGHTS OMBUDSMAN AND THE SOLICITOR GENERAL TO INVESTIGATE THE BAMACA CASE. THE SOLICITOR GENERAL, ACISCLO VALLADARES, TOLD GEN ENRIQUEZ THAT HE WOULD ISSUE A PETITION OF PERSONAL EXHIBITION TO THE PRESIDENT, THE MINISTER OF DEFENSE, AND THE MINISTER OF GOVERNMENT. THE PROCEDURES FOR THE PETITION WOULD BE THOSE OF THE NEW CRIMINAL PROCEDURES CODE, WHICH COULD RESULT IN ORAL HEARINGS CONCERNING THE WHEREABOUTS OF BAMACA, DURING WHICH MANY INDIVIDUALS COULD BE CALLED IN TO MAKE DECLARATIONS. GEN ENRIQUEZ HAD RESPONDED TO ACISCLO VALLADARES THAT HE SHOULD GO FORWARD WITH THIS PROCEDURE AND THAT HE WOULD HAVE THE FULL SUPPORT OF THE ARMY. EVEN THE TWO OFFICERS NAMED BY EX-GUERRILLA SANTIAGO CABRERA AS HAVING TORTURED BAMACA COULD BE MADE AVAILABLE TO TESTIFY. DR. NUCCIO ASKED GEN ENRIQUEZ IF HE OR ANYONE HAD QUESTIONED THE TWO OFFICERS ABOUT THE ALLEGATIONS OF CABRERA. GEN ENRIQUEZ RESPONDED THAT HE HAD NOT.

16. GEN ENRIQUEZ ADDED THAT HE PERSONALLY BELIEVES THAT BAMACA IS DEAD. AROUND THE TIME OF THE DISAPPEARANCE, HE HAD HEARD TALK THAT BAMACA HAD BEEN KILLED IN COMBAT, BUT HE WAS NOT IN A POSITION TO BE INFORMED OF SUCH THINGS AT THE TIME. GEN ENRIQUEZ EXPLAINED THAT DURING A CONFLICT, THERE IS COMPARTMENTALIZATION BY BOTH THE GUERRILLAS AND THE ARMY. AS A RESULT THERE COULD BE A SMALL, SELECT GROUP OF OFFICERS WHO KNOW MORE ABOUT THE BAMACA CASE THAN HE DOES.

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## INTERNATIONAL PRESSURES MOUNT

19. DR. NUCCIO ADDED THAT THE BAMACA CASE HAS TAKEN ON GREAT IMPORTANCE IN THE U.S., AND HAS EVEN GOTTEN TO THE WHITE HOUSE. DR. NUCCIO THEN SHOWED GEN ENRIQUEZ SOME STATISTICS SHOWING THE LARGE NUMBER OF LETTERS AND FAXES THAT HIS OFFICE ALONE HAS RECEIVED ON THE BAMACA CASE. GEN ENRIQUEZ REVIEWED THE STATISTICS AND REMARKED THAT THESE INQUIRIES SHOWED THE INCREDIBLE INTERNATIONAL CAPABILITY OF THE URNG. HE EXCLAIMED THAT AGAINST THIS KIND OF OPPOSITION IT IS A WONDER THE GOG WAS ABLE TO SURVIVE. THE URNG HAD LONG RECEIVED STRONG INTERNATIONAL SUPPORT FROM SUCH COUNTRIES AS NORWAY, SWEDEN, AND FRANCE. FRANCE AT ONE TIME EVEN DELIVERED WEAPONS TO THE URNG. THIS INCREDIBLE OPPOSITION WAS ONE REASON THE ARMY HAD TO RESPOND THE WAY IT DID DURING THE 1980'S.

20. GEN ENRIQUEZ COMMENTED THAT IT IS A PITY THAT THE INTERNATIONAL COMMUNITY HAS MOBILIZED ITSELF ON THE BAMACA CASE, AS THIS ORPA COMANDANTE DID NOT DESERVE THIS KIND OF SUPPORT. HE WAS NOT AN INNOCENT VICTIM, AS HE HAD A LONG RECORD AS AN ORPA COMBATANT. FOR EXAMPLE, THERE ARE NO ARMY WIVES CONDUCTING A HUNGER STRIKE DEMANDING THE WHEREABOUTS OF THEIR HUSBANDS FROM THE URNG. WHY DIDN'T THE INTERNATIONAL COMMUNITY MOBILIZE THIS KIND OF SUPPORT OVER THE MURDER OF MICHAEL DEVINE? THERE IS A CASE THAT CERTAINLY MERITED THIS KIND OF PRESSURE, AS HE WAS AN INNOCENT, CIVILIAN, U.S. CITIZEN VICTIM. THE ONLY REASON BAMACA IS RECEIVING SUCH GREAT ATTENTION IS BECAUSE MS. HARBURY IS PLAYING A POLITICAL GAME.

## MOD RELUCTANTLY ACCEPTS MINUGUA INVOLVEMENT

21. DR. NUCCIO ONCE AGAIN REITERATED THAT WHATEVER THE MERITS OF THE CASE OR GEN ENRIQUEZ' FEELINGS ABOUT THE CASE, IT DESERVED A THOROUGH INVESTIGATION, WITH INTERNATIONAL PARTICIPATION. THE UN MISSION IN GUATEMALA, MINUGUA, IS ONE POSSIBILITY OF INTERNATIONAL PARTICIPATION. GEN ENRIQUEZ RESPONDED THAT MINUGUA WILL REALLY ONLY BEGIN ITS OPERATIONS ON 14 NOVEMBER, AND SINCE BAMACA DISAPPEARED IN MARCH 1992, THE CASE DOES NOT QUALIFY. OF COURSE, IF ONE ACCEPTED MS. HARBURY'S PREMISE THAT BAMACA IS STILL ALIVE THEN THE CASE COULD PERHAPS FALL UNDER MINUGUA'S JURISDICTION. LIKEWISE, MINUGUA IS ONLY AUTHORIZED TO VERIFY, NOT CONDUCT ITS OWN INDEPENDENT INVESTIGATIONS. DR. NUCCIO RESPONDED THAT HIS UNDERSTANDING ALSO WAS THAT MINUGUA COULD ONLY VERIFY, BUT IT COULD ACCOMPANY THE GT HUMAN RIGHTS OMBUDSMAN OR OTHER GOG INVESTIGATOR UNDER THAT CRITERIA. THE AMBASSADOR ADDED THAT MINUGUA COULD ALSO SUGGEST QUESTIONS THAT THE OMBUDSMAN MIGHT ASK AS WELL. GEN ENRIQUEZ AGREED THAT SUCH OPTIONS SEEMED TO FALL WITHIN THE

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22. THE AMBASSADOR ADDED THAT SHE BELIEVED THAT THE PRESIDENT PLANNED TO APPOINT CESAR ALVAREZ GUADAMUZ, CURRENTLY THE GT AMBASSADOR TO THE OAS, AS A SPECIAL INVESTIGATOR TO LOOK INTO THE CASE OF BAMACA. GEN ENRIQUEZ RESPONDED THAT HE WOULD BE AN EXCELLENT CHOICE, AS HE WAS FAMILIAR WITH THE CASE FROM HIS TIME AS PRESIDENT DE LEON'S DEPUTY WHEN HE WAS THE HUMAN RIGHTS OMBUDSMAN. THE SOLICITOR GENERAL, ACISCLO VALLADARES, ALSO HAS GREAT CREDIBILITY IN SUCH CASES. GEN ENRIQUEZ REMARKED THAT HE HAD ALREADY OFFERED HIS FULL SUPPORT TO ANY INVESTIGATION THAT VALLADARES MIGHT INITIATE.

23. GEN ENRIQUEZ REMARKED THAT EARLIER THE SAME DAY HIS CHIEF OF STAFF, MG GONZALEZ, HAD REMARKED TO HIM THAT WHILE HE HAD ALWAYS DONE AN EXCELLENT JOB IN EXPLAINING ARMY POSITIONS TO THE PRESS, MG GONZALEZ BELIEVED THAT HE WAS LOSING HIS CREDIBILITY OVER THE BAMACA CASE. GEN ENRIQUEZ HAD RESPONDED THAT IT IS ALSO THE CHIEF OF STAFF'S JOB TO ENSURE THAT THE MINISTER OF DEFENSE DOES NOT LOSE HIS CREDIBILITY. THEREFORE MG GONZALEZ SHOULD DIRECT HIS COUNTERINTELLIGENCE DIVISION (CUERPO TECNICO CONSULTATIVO) TO PROVIDE ALL INFORMATION THEY HAVE ON BAMACA SO THAT THE MINISTER OF DEFENSE DOESN'T LOSE HIS CREDIBILITY ON THE BAMACA CASE.

## MAINTAINING A UNIFIED URNG

24. DR. NUCCIO THEN EXPLAINED THAT HE HAD ERRED AND BEEN MISINTERPRETED AS A RESULT OF QUOTING GEN ENRIQUEZ FROM A PREVIOUS VISIT. DR. NUCCIO RECALLED THE MEETING WHERE GEN ENRIQUEZ HAD EXPLAINED THAT GT COULD NOT AFFORD TO HAVE A DIVIDED URNG, AS THE COMANDANTES WOULD THEN NOT BE ABLE TO BRING IN ALL OF THEIR UNITS FOR DISARMING ONCE A CEASEFIRE IS DECLARED. RATHER IT WOULD BE BETTER FOR THE URNG TO REMAIN UNITED. GEN ENRIQUEZ ACKNOWLEDGED THAT HE HAD MADE SUCH A COMMENT TO DR. NUCCIO. DR. NUCCIO CONTINUED THAT HE HAD REPEATED THIS COMMENT AT A MEETING IN NEW YORK, AND HAD THEN BEEN MISQUOTED BY THE GT MINISTER OF FOREIGN RELATIONS, MARITZA RUIZ DE VIELMAN, AMONG OTHERS, AS SAYING THAT THE U.S. HAD THE GOAL OF A POLITICALLY STRENGTHENED ("FORTALECIDA") URNG, RATHER THAN MAINTAINING A UNIFIED ("UNIFICADA") URNG, WHICH IS WHAT HE HAD INTENDED. LIKEWISE, HE HAD ALSO BEEN MISQUOTED AS SAYING THAT THE US WANTED CIVIL SECTORS TO PARTICIPATE AT THE BARGAINING TABLE ITSELF, WHEN WHAT REALLY HAD BEEN SAID WAS THAT THE US WANTED TO INCREASE CIVIL SECTOR PARTICIPATION IN THE OVERALL PEACE PROCESS, BUT CERTAINLY NOT BY HAVING THEM AT THE BARGAINING TABLE.

25. GEN ENRIQUEZ RESPONDED THAT HE WAS EXTREMELY PLEASED TO HEAR THIS CLARIFICATION. HE HAD INDEED BEEN EXTREMELY CONCERNED BY THE REMARKS ATTRIBUTED TO DR. NUCCIO. IN FACT, IT HAD BEEN REPORTED TO HIM THAT DR. NUCCIO HAD SAID THAT RIGHT NOW THE GOG IS SO STRONG AND THE URNG IS SO WEAK, THAT IT IS LIKE BRINGING A LION AND A MOUSE TO THE NEGOTIATING TABLE--THE DISPARITY IS SO EXTREME THAT NO AGREEMENT CAN BE REACHED. THEREFORE, THE MOUSE MUST BE STRENGTHENED AND MADE MORE LIKE A TIGER SO IT CAN GO TO THE TABLE AND SIGN AN AGREEMENT WITH THE LION.

26. RECENTLY, GEN ENRIQUEZ HAD BEEN DISCUSSING DR. NUCCIO'S REPORTED REMARKS WITH SOME OF HIS GENERAL OFFICERS, TO INCLUDE BG BALCONI AND BG CAMARGO, AND THINKING ABOUT WHY THE U.S. WOULD HAVE SUCH A POSITION. GEN ENRIQUEZ SAID THAT HE WAS VERY SAD AND COULD NOT UNDERSTAND WHY THE US GOVERNMENT WOULD WANT TO

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STRENGTHEN THE URNG WHEN THE GT ARMY HAD SPENT SO MANY YEARS AND LOST SO MANY LIVES COMBATTING THEM MILITARILY, AND WHEN THE URNG HAD EVEN MURDERED A U.S. AMBASSADOR. GEN ENRIQUEZ HAD INITIALLY THOUGHT IT WAS ABSURD THAT THE U.S. WOULD HAVE SUCH A POSITION, BUT THEN BEGAN TO BELIEVE THAT MAYBE THE U.S. REALLY DID HAVE A HIDDEN AGENDA, AND HAD DEVELOPED A NEW STRATEGY TO REDUCE OR EVEN ELIMINATE THE GT ARMY.

27. DR. NUCCIO REITERATED ONCE AGAIN THAT HIS REMARKS HAD BEEN COMPLETELY MISINTERPRETED, AND THAT IT HAD BEEN REPORTED THAT HE WANTED TO "PROMOTE THE PRESENCE OF THE CIVIL SECTORS AT THE NEGOTIATING TABLE," WHEN THE IDEA IS TO PROMOTE THE PARTICIPATION OF THE CIVIL SECTORS IN THE OVERALL PEACE PROCESS, BUT NOT AT THE NEGOTIATING TABLE. GEN ENRIQUEZ REPEATED ONCE AGAIN THAT HE WAS RELIEVED TO HEAR THIS CLARIFICATION. IN FACT, THE MISINTERPRETATIONS HAD SOME CREDIBILITY, BECAUSE THE GOG PERCEPTION WAS THAT DR. NUCCIO HAD MUCH MORE FREQUENT CONTACT WITH URNG REPRESENTATIVES THAN WITH COPAZ OR GOG REPRESENTATIVES. DR. NUCCIO EMPHASIZED THAT AFTER EVERY MEETING WITH THE URNG, HE ALWAYS VISITED THE GUATEMALAN EMBASSY. DR. NUCCIO ADDED THAT HE DOES NOT MEET WITH THE URNG BECAUSE THEY ARE HIS FRIENDS, BUT TO INFLUENCE THEM TO FURTHER THE PEACE PROCESS. HIS GOAL IS NOT TO ADVANCE THE URNG'S AGENDA, BUT TO END THE CONFLICT IN GUATEMALA.

#### MEETINGS WITH THE URNG

28. THE AMBASSADOR INFORMED MG ENRIQUEZ THAT DR. NUCCIO WOULD BE VISITING GUATEMALA MORE OFTEN IN THE FUTURE TO HELP AVOID SUCH MISUNDERSTANDINGS. LIKEWISE THE AMBASSADOR HERSELF WAS CONTEMPLATING GOING TO MEXICO CITY ON THE TAIL END OF THE NEXT ROUND OF PEACE TALKS TO MEET WITH THE URNG COMANDANTES TO OBTAIN A BETTER UNDERSTANDING OF THEIR POSITIONS AND ATTITUDES TOWARDS THE PEACE PROCESS. GEN ENRIQUEZ RESPONDED THAT HE TOO WOULD LIKE TO MEET WITH DR. NUCCIO MORE OFTEN, AND WOULD BE WILLING TO TRAVEL TO MEET HIM. HOWEVER, GOING TO MEXICO CITY WOULD BE DIFFICULT, BECAUSE WHENEVER THE MOD OR COS GOES THERE HE IS SUSPECTED OF MEETING WITH THE URNG COMANDANTES. SINCE PEACE TALKS WITH THE URNG HAD FIRST BEGUN, THERE HAD ALWAYS BEEN AN UNDERSTANDING WITHIN THE ARMY THAT THE MOD AND COS WOULD NOT PERSONALLY MEET WITH THE URNG TOP LEADERSHIP. FOR EXAMPLE, WHEN IT BECAME KNOWN THAT MG GONZALEZ HAD MET WITH TWO OF THE COMANDANTES IN SAN FRANCISCO IT HAD CAUSED HIM SOME PROBLEMS AMONG THE OFFICER RANKS.

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DR. NUCCIO INQUIRED OF GEN ENRIQUEZ THAT PERHAPS ON HIS NEXT VISIT HE SHOULD VISIT AN ARMY UNIT WITH THE MOD. GEN ENRIQUEZ RESPONDED THAT HE WOULD LIKE DR. NUCCIO TO SPEAK TO AN ASSEMBLED GROUP OF OFFICERS AT THE MARISCAL ZAVALA BRIGADE IN GUATEMALA CITY TO DISCUSS THE PEACE PROCESS WITH THEM. DR. NUCCIO AGREED TO DO THIS ON HIS NEXT VISIT, POSSIBLY IN MID-NOVEMBER.

MOD'S REMARKS ON BAMACA MISINTERPRETED

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30. THE AMBASSADOR REFERRED BACK TO GEN ENRIQUEZ' EARLIER STATEMENTS THAT MAYBE BAMACA WOULD APPEAR IN CHIAPAS OR OUT IN THE JUNGLE SOMEWHERE. SHE EXPLAINED TO GEN ENRIQUEZ THAT IN FACT MS. HARBURY HAD INTERPRETED THESE STATEMENTS AS A TYPE OF "SECRET NEGOTIATION" BETWEEN HER AND THE MOD. DATT CONFIRMED THAT MS. HARBURY HAD INDEED INTERPRETED THESE STATEMENTS AS AN ACKNOWLEDGEMENT THAT BAMACA WAS ALIVE IN ARMY CUSTODY, AND THAT THESE WERE SUBTLE SIGNALS TO HER THAT THE MOD WISHED TO NEGOTIATE THE RELEASE OF BAMACA AT A TIME AND PLACE THAT WOULD NOT DISCREDIT THE ARMY. GEN ENRIQUEZ APPEARED DUMFOUNDED AND DID NOT RESPOND FOR A FEW SECONDS.

31. HE THEN EXPLAINED THAT HE NEVER INTENDED TO CONVEY SUCH AN IMPRESSION. WHAT HE HAD MEANT BY SUCH STATEMENTS WAS THAT MAYBE BAMACA WAS ALIVE SOMEWHERE WITH THE URNG OR IN HIDING. IN FACT HE HAD EVEN TOLD THE PRESS ON ONE OCCASION THAT HE COULD CONCEIVE THAT ORPA LEADER RODRIGO ASTURIAS HAD HIDDEN BAMACA, AND IS WAITING FOR THE RIGHT MOMENT TO ORDER HIM TO APPEAR. AFTER ALL, AS HE SAID EARLIER, THIS HAS BEEN A DIRTY WAR AND MANY THINGS ARE POSSIBLE. FOR EXAMPLE, HE COULD EVEN BELIEVE THAT BAMACA HAD ORIGINALLY BEEN BURIED IN THE CEMETERY IN RETALHULEU, BUT THE URNG HAD LATER SECRETLY SWITCHED BODIES IN THE CEMETERY AND HAS HIDDEN BAMACA'S REMAINS. WHILE SUCH A BODY SWAP IS UNLIKELY, IT IS POSSIBLE.

32. THE AMBASSADOR ADDED THAT MANY GROUPS WILL BE VISITING GUATEMALA DURING THE COMING WEEK TO SEE MS. HARBURY AND INQUIRE ABOUT THE WHEREABOUTS OF EFRAIN BAMACA. WHAT WOULD BE GEN ENRIQUEZ' POSTURE CONCERNING SUCH GROUPS? WOULD HE BE AVAILABLE TO SEE THEM? GEN ENRIQUEZ RESPONDED THAT HE WOULD CONTINUE WITH THE SAME POLICY AS ALWAYS--HE WAS OPEN AND WOULD RECEIVE AS MANY VISITORS AS HIS SCHEDULE PERMITTED. ONLY YESTERDAY GEN ENRIQUEZ HAD RECEIVED TWO REPORTERS FROM ARIZONA, WHO HAD TAKEN PICTURES OF VARIOUS ROOMS AND HALLWAYS WITHIN THE MOD'S OFFICIAL RESIDENCE. GEN ENRIQUEZ WAS SURE THE PHOTOS WOULD BE USED TO SHOW THE OPULENCE OF THE MOD'S OFFICIAL RESIDENCE AND THUS ATTEMPT TO DISCREDIT HIM.

ODDS AND ENDS

33. GEN ENRIQUEZ EXPLAINED THAT HE EARLIER HAD A MEETING WITH GT OFFICERS INVOLVED WITH THE PREPARATIONS FOR FUERTES CAMINOS 95. HE WAS CONSIDERING WHAT TO DO ABOUT THE U.S. EMBASSY REQUEST THAT COL CABRERA AND LTC ALPIREZ BE TRANSFERRED FROM MILITARY ZONE 10 AT JUTIAPA. (NOTE: THE EMBASSY HAS REQUESTED THAT BOTH OFFICERS BE TRANSFERRED FROM THE MILITARY ZONE WHERE THE FUERTES CAMINOS 95 BASE CAMP WILL BE ESTABLISHED, BECAUSE THEY WERE INVOLVED IN THE COVERUP OF THE ARMY'S INVOLVEMENT IN THE MURDER OF U.S. CITIZEN MICHAEL DEVINE IN MAY OF 1990.) HE WAS ALSO SAD TO HEAR THAT MG CROCKER, THE ARMY SOUTH COMMANDER, WOULD HAVE TO DELAY HIS VISIT BEYOND 6 NOVEMBER BECAUSE OF MS. HARBURY'S HUNGER STRIKE. HE AND HIS STAFF HAD VERY MUCH BEEN LOOKING FORWARD TO THE VISIT. HE INFORMED THE AMBASSADOR AND DR. NUCCIO THAT HE HAD BEEN INVITED TO VISIT ISRAEL AND WOULD BE THERE FOR NINE DAYS FROM 6-16 NOVEMBER. GEN ENRIQUEZ COMMENTED THAT PRESIDENT DE LEON HAD ACCEPTED AN INVITATION TO TAKE A RIDE THE FOLLOWING DAY IN ONE OF THE TWO FLYABLE A37'S THAT THE AIR FORCE HAD BEEN WORKING HARD ON TO MAKE AIRWORTHY. SINCE THE PRESIDENT WAS FLYING, HE AS MOD HAD NO CHOICE BUT TO GO UP IN ONE OF THE AIRCRAFT AS WELL, A PROSPECT THAT MADE HIM SOMEWHAT NERVOUS.

UNCLASSIFIED

U00S 001605

COMMENTS

UNCLASSIFIED

B1

MCAFEE

UNCLASSIFIED

0005 001606

UNCLASSIFIED

RELEASED IN PART  
B1,A9

E4412A

SECRET

DATE : February 24, 1995  
TO : Files  
FROM : POL - Benny Garcia  
SUBJECT: Alleged December 1992 Bamaca Sighting

On February 18 pm, [redacted] approached me and asked if we could have an urgent meeting to discuss a report that [redacted] had told [redacted] on February 17, that he had seen "Bamaca" alive in December 1992. Details of my February 21, 22 and 23 meetings with [redacted] follow:

Anonymous Call: On February 17 am. [redacted] received a call from [redacted] asking that [redacted] visit him so he could pass on information. [redacted] sent a team to interview him. Upon arrival, the caller identified himself to [redacted] as [redacted]. After this first am interview, [redacted] conducted a second pm interview.

Bamaca Capture: According to [redacted] the army learned that "Bamaca" would be travelling outside of guerrilla controlled areas and so it set up a road block between "Trayecto de Pajapita and Nuevo San Marcos en la Ruta Santa Ana Berlin - Hectepequez." (Note: After checking a Guatemalan map, we believe [redacted] misunderstood the correct location which we believe should be: "Trayecto de Pajapita and Nuevo San Carlos en la ruta Santa Ana Berlin - Coatepeque".) Bamaca was apprehended by army Captain Corsantes Alvarado (Note: [redacted] did not state the date Bamaca was captured.).

Incognito: Bamaca was then taken to the army base at San Marcos [redacted]

[redacted] After Bamaca's capture, the guerrillas attacked the San Marcos base several times but were never able to free their colleague.

SECRET  
DECL:OADR

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/05/95  
Case ID: 951222B8

UNCLASSIFIED

0005 001631



~~SECRET~~ UNCLASSIFIED

-2-

[redacted] stated that in the time frame between Bamaca's capture and mid-late December 1992, G-2 personnel kept Bamaca on the move throughout the countryside for security reasons. However, "Bamaca" was taken to D-2 Guatemala City headquarters for further, more intensive interrogations. According to [redacted] during these trips, the G-2 dressed Bamaca in a military uniform and placed his right leg in a cast to keep him partially immobile. [redacted] adds that one of the locations used to hide Bamaca was a jail on a navy base on the Southern coast, where old cars are kept. [redacted]

B1

B1

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B1

[redacted] claims that after Bamaca's capture, many other guerrillas were captured and the G-2 would routinely escort them into the capital for further questioning.

B1

[redacted] stated [redacted] gave contradictory and speculative answers regarding what happened to Bamaca after [redacted] departure and he does not believe [redacted] has any idea what happened to Bamaca after January 1993.

B1

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[redacted] believes that [redacted] is telling the truth though he admits that because [redacted] and is now incarcerated in an ambiguous status his full credibility is suspect [redacted]

B1

SECRET

UNCLASSIFIED

0005 001632



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**UNCLASSIFIED**

-3-

[redacted] files show that CPT Corsantes Alvarado was indeed assigned to the army base at San Marcos during 1992 as [redacted] claims. Likewise, [redacted] has reported that Bamaca was immobilized using a cast during his captivity at San Marcos. These items of information confirm at least parts of [redacted] story, lending him some credibility.

B1  
B1  
B1

Cleared:POL:GAChester  
DAO:DKeller  
DCM:JFKeane

cc:Amb, DCM, DAO, USIS, CONS, Pol, DESK

SECRET

**UNCLASSIFIED**

0005 001633

UNCLASSIFIED

RELEASED

E4412B

MEMORANDUM

DATE : November 9, 1994  
TO : DCM - John F. Keane  
FROM : POL - George A. Chester, Hr.  
SUBJECT: Questions on Harbury-Bamaca Marriage and Queries about Bamaca's Body.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/05/96  
Case ID: 95122288

The following are various documents relating to the marriage of Jennifer Harbury and Efrain Bamaca, and to queries concerning the location and description of Bamaca's body.

When and how were they married? What proof is there?

Janet Hawkins, Harvard Magazine Sep.-Oct. 1994: JH met EB in Guatemala in 1990. Stayed at ORPA camp six weeks. "In 1991 Bamaca asked her to join him in Mexico City... after six months of sharing living space and confidences, Bamaca and Harbury married..."

Jennifer Harbury, Bridge of Courage (p. 249). "Everardo and I were married in 1991, one of the most mismatched yet happiest of couples.

"March 21, 1993 Letter from JH to Jeff Moon at US Embassy: "... EB and I exchanged vows with one another in September 1991 and lived together thereafter as husband and wife. As far as we are concerned, we have been married since that time; but given his clandestine status, we were never able to register the marriage with any governmental agency. We did, however, live together as husband and wife in the state of Texas (where I am still a resident) for over six weeks, holding ourselves out as married, to our friends and to others. We were together in Texas from late September through early November of 1991. We are thus in satisfaction of the requirements of the cites Texas statute on common law marriages.

April 13, 1993: Notarized Affidavit, State of New York, County of New York: "...We were married pursuant to Texas Ann. Civ. Statutes 1.91 et seq. on September 25, 1991. Under the terms of this statute, no certificate of marriage is issued."

Declaration and Registration of Marriage, Travis County, Texas. Dated June 22, 1993. Judge Jeanne Meurer, Presiding. Ordered, adjudged and decreed that Jennifer Harbury and Efrain Bamaca were legally married to each other under the laws of the State of Texas on September 25, 1991. (Based on Texas Annotated Civil Statutes--Husband and Wife Section 1.91 and following). Marriage without formalities: (a) In any judicial, administrative, or other proceeding, the marriage of a man and woman may be proved by evidence that: 1) a declaration of their marriage has been executed under Section 1.92 of this code; or 2) they agreed to be married, and after the agreement they lived together in this state as husband and wife and there represented to others that they were married.

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UDDS 001634

# UNCLASSIFIED

Aug. 25, 1993 report by JH:...Efrain and I met again, when he came out of the mountains to work on the preparation of certain issues, such as indigenous rights...We were able to spend a number of months together, and were married in September 1991."

People Magazine: "In 1991 the pair had a small common-law ceremony outside Austin, attended by a few friends..."

**CONCLUSION:** Harbury and Bamaca are married because she says they were. No photos together, no third party statements by anyone who saw them together. Presumably Bamaca entered illegally to spend the "six weeks in Texas."

## Where is Bamaca's Body?

April 24, 1992: Fax from URNG Political-Diplomatic Commission Member Francisco Villagran Munoz to Human Rights Ombudsman Ramiro de Leon Carpio dated April 24, 1992:

Firefight at 10:15 a.m. March 12, 1992 in Montufar, Nuevo San Carlos, Retalhuleu. Claims Comandante Everardo was captured and wounded, supplies following data:

name: Efrain Bamaca Velasquez

dob: 18 june 1957

pob: Finca El Tablero, El Tumbador, San Marcos

parents: Jose de Leon Bamaca and Cornella Velasquez

height: 1.61 m.

facial complexion (tez): brown (morena)

eyes: dark brown (cafe oscuro)

The fax from Villagran claims the army said a guerrilla, possibly a commander, had been killed, but did not mention his name. Since the army could have identified him, Villagran is concerned that no public mention was made of who had been killed.

In this same fax, the URNG says it was informed that between 12-14 March a body was brought to morgue in Retalhuleu of a guerrilla supposedly killed in Montufar, buried as XX (unknown).

Also in this fax, Villagran says the URNG has heard that a guerrilla commander was captured wounded and is now being tortured. Asks HR Ombudsman De Leon to clarify the situation, as the URNG now has serious doubts whether EB is alive or dead. Asks for investigation into the events of March 12 and the identity of the dead guerrilla buried as XX.

Finally, the URNG asks for 3 days' advance notice of exhumation in order to have representative present, and requests that said representative be protected.

# UNCLASSIFIED

U00S 001635

## UNCLASSIFIED

May 5, 1992:

Maria Irma Arriaza requests to Judge of First Instance of Retalhuleu an exhumation of body buried on or about March 13 or 14 as XX in Retalhuleu cemetery.

May 6, 1992:

Report to HR Ombudsman, name and date not shown: Presumably follows the May 5 exhumation request, as it says "6th of this month."

Went to National Hospital of Retalhuleu on 6th of (May?) to get all information on patients and bodies entering hospital in March. Information was negative regarding investigation. Sought interview with forensic doctor; he could not be found. Went to Justice of the Peace and met people who wished to remain anonymous, who shared information which allowed him to find expedient number 395-92 in care of second official of Second Court of First Instance, in which Justice of Peace of Retalhuleu affirms that on 13 March at 1300, on banks of River Ixcucua of Canton Montufar, Nuevo San Carlos, Retalhuleu, a body was found without identification with the following characteristics:

Male, brown, round face, wide forehead, coffee brown eyes, thick eyebrows, flat-nosed, large mouth, straight black hair, thick lips, trimmed mustache, dark complexion, age approximately 30, height approximately 1.60 meters, wearing a long-sleeved olive green shirt, pants of same color, underwear white with blue stripes, blue socks, black combat boots, wearing a nylon belt with a canteen holder, assorted medicine and a canvas rucksack, holding in his hands a carbine of Chinese make, serial number B4MC00478AD47, cal. 7.62 with two clips of 28 rounds each and a plastic bag containing 72 cartridges of the same caliber. The body showed a bullet wound above the belt in the back, and the skull shattered by a bullet; according to persons who had access to this information and who collaborated with me without identifying themselves, this person fell wounded and upon being surrounded by the army fired his weapon into his mouth, the bullet making an exit wound in the occipital, explaining the shattering of the skull. The medical report contradicts the act of exhumation, because the medical diagnosis is death by strangulation, contusions on the thorax, noted in death certificate number 41, folio 309, book 45 of the respective register of deaths.

According to the data which you (De Leon) first shared with me, I found a similarity in the physical traits of the body, thus acting in my capacity as advisor to the Human Rights Ombudsman I did the necessary steps for the exhumation of said body, and through conversation with the Second Judge of First Appeal of Instruction of Retalhuleu, this is to take place May 14. I would like to add that Victor Villeda and Raul Rodriguez Ovalle were an important help in this task.

May 10, 1992: Another fax from URNG official Francisco Villagran repeating request of April 24, seeking information on fate of Commander Everardo; URNG has heard nothing of him since March 12.

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0005 001636

# UNCLASSIFIED

May 11, 1992: Fax from Human Rights Ombudsman De Leon Carpio to Francisco Villagran Munoz of URNG in Puebla, Mexico. (NB: JH maintains this data was provided by the army; there is no mention in the fax of where the data originated. The most logical assumption is that it derives from the report submitted to De Leon noted above.) This fax conveys the following data to the URNG official Villagran:

"On 13 March at 1300, on banks of River Ixcucua of Canton Montufar, Nuevo San Carlos, Retalhuleu, a body was found with the following characteristics:

Male, brown, round face, wide forehead, coffee brown eyes, thick eyebrows, flat-nosed, large mouth, straight black hair, thick lips, trimmed mustache, dark complexion, age approximately 30, height approximately 1.60 meters, wearing a long-sleeved olive green shirt, pants of same color, underwear white with blue stripes, blue socks, black combat boots, wearing a nylon belt with a canteen holder, various medicine and a canvas rucksack, holding in his hands a carbine of Chinese make serial number B4MC00478AD47, cal. 7.62 with two clips of 28 rounds each and a plastic bag containing 72 cartridges of the same caliber. The body showed a bullet wound above the belt in the back, and the skull shattered by a bullet, supposedly the person shot himself in the mouth, exit wound atop the skull, shattering the cranium."

Aug. 16 1992: Fax from URNG Francisco Villagran to HR Ombudsman De Leon Carpio requesting humane treatment for two URNG prisoners, Roberto Everardo Sanchez Velasquez and Pedro Victor Gonzalez Cortez, captured June 22 in Quetzaltenango. Says they have been displayed tied up in various towns, show signs of beating.

(Seven months pass.)

March 12, 1993 Letter from Jennifer Harbury to Jeff Moon:

Cites lack of publicity over Bamaca's death. URNG contacted HR Ombudsman De Leon Carpio, requested forensic photographs, none available. Says description "provided by army" resembled face of Everardo. Exhumation cancelled by Asisclo Valladares.

Aug. 25, 1993. Report by Jennifer Harbury:

Claims the description of the killed guerrilla was "the army's statement." May 20 1992 exhumation called off by Asisclo Valladares. File at Human Rights Ombudsman's office has disappeared. "Carlos" saw him alive in July 1992.

Cites discrepancies between description of dead guerrilla "by army" and body actually buried in Retalhuleu.

XX	Bamaca
--	-----
25	34
light brown skin	dark brown skin
light mustache	no mustache (NB:Description DOES mention trimmed mustache.)
1.55 meters	1.60 meters
scar on hand	no scar
tied, shot, strangled, stabbed	supposedly shot self in mouth,
skull crushed by blows.	exit wound shattered skull.

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## UNCLASSIFIED

Jennifer's account and description of exhumation of body in light olive green URNG uniform:

Two corona on upper front teeth, upper extraction, no lower extraction. Says Bamaca has no coronas, no upper extraction, does have lower extraction.

NB: Do dental records for Bamaca exist? How does Harbury know the details of Bamaca's teeth?

Exhumed body determined to be of male 18-20 years of age, frame smaller than JH (who says Bamaca is almost exactly her size, i.e. 5' 3", normal weight 125 lbs.).

Aug. 9, 1994 letter from JH to John Shattuck:

Army claims never had Bamaca. But, if they never had him, then how were they able to send an exact description of him to the URNG through De Leon?

October, 1994 Newspaper Statement By Jennifer Harbury:

Autopsy done on 3/13/92 describes a different person than Bamaca. Says Santiago Cabrerea saw Bamaca 3/12/92 at Destacamento de Santa Ana Berlin. Also saw at end of August at San Marcos military base.

Army, on March 12, 1992, brought another prisoner of war from another place to site of supposed death of Bamaca, and murdered him brutally there. Army sent to URNG an exact description not of the buried body, but of Efrain Bamaca.

Explanations from army to JH and why they do not work:

1. Never had him in the first place: So why did the description sent by army through De Leon to URNG describe Bamaca exactly? Why did army send this description instead of that of the body actually buried?
2. The guerrillas switched bodies: Official autopsy of the body on 3/13/92 describes a person completely different from Bamaca.
3. All indigenous people have similar characteristics: And are they also all the same age and height?
4. It really is him in the grave: With a difference of 5 cm (2"), 15 years, and different teeth?
5. "If she tells me where he is, I will take her there to verify it": How am I going to know where they have hidden my husband? The army knows where he is.

Oct. 24, 1994: Letter from forensic anthropologist Michael Charney to Ambassador Madeleine Albright:

Examined the remains exhumed in August, 1993: Male, 18-20, two silver facial fillings on upper central incisors, missing upper tooth left side. All bones of skull present, those on left and back smashed as if by a rifle butt.

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U D O S 001638

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Everardo had one facial filling upper incisor, and missing one tooth lower right jaw. If body was that of Bamaca, who had supposedly shot himself in the mouth, the bones at the back of the skull would have been blown away by the bullet. The remains could not possibly be those of Bamaca.

Compiled:POL:JCushing

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UNCLASSIFIED

RELEASED IN PART  
B1,A5

E4428

November 1, 1994

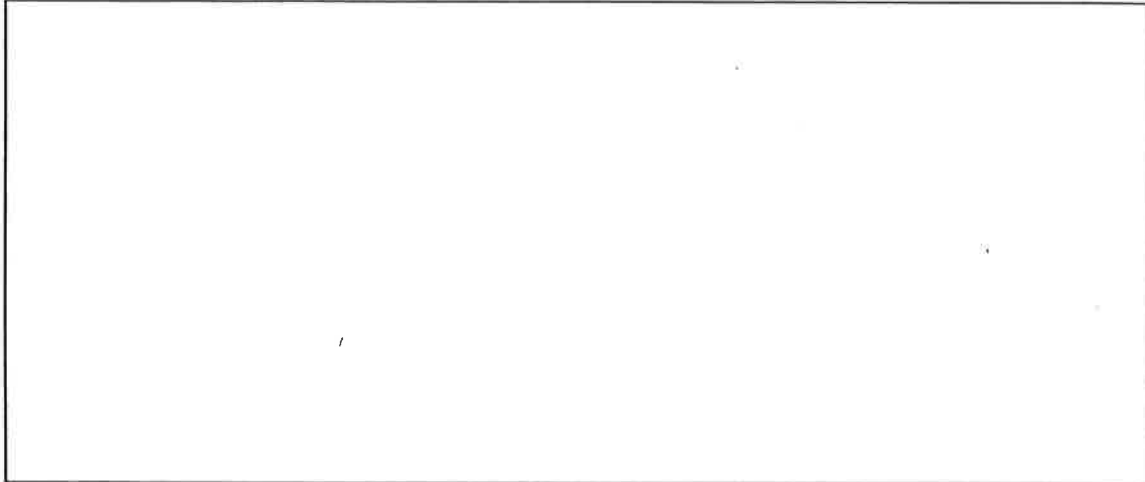
CONFIDENTIAL  
MEMORANDUM

TO: DRL - John Shattuck

FROM: DRL Personnel

SUBJECT: DRL DAILY REPORT

NIS, Europe, Middle East, and South Asia Affairs (DRL/NEMS)



B1,A5

AMERICAS, AFRICA and ASIA (DRL/AAA)

(U) Burma: An article in this week's "Time Magazine" leaks details of a sealed lawsuit filed by ex-DEA Chief Richard Horn against the ex-Charge (Huddle) [redacted]

[redacted] Horn served in Rangoon until he was removed for engaging the SLORC on counternarcotics activities contrary to U.S. policy. The suit charges that he was lied to, electronically surveilled, and eventually recalled as a result of State's desire to downplay his campaign in favor of a different diplomatic approach. The article insinuates that Horn's enlightened ideas have been belatedly realized by the State Department and that the U.S. delegation (led by DAS Hubbard and accompanied by PDAS Nancy Ely-Raphel) currently in Burma is proof of the turnaround. (MKSutphen)

(U) Cambodia: Embassy Phnom Penh reported that Second Prime

CONFIDENTIAL

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/24/95  
Case ID: 951222B9

DRL

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U D O S 001659



**UNCLASSIFIED**  
**CONFIDENTIAL**

Minister Hun Sen confirmed that the 3 Western hostages taken by the Khmer Rouge in August were dead. Graves of the three were discovered after the Cambodian Army overran a Khmer Rouge stronghold last week. (MKSutphen)

(U) Indonesia: Reuters reported that a U.S. federal court last Thursday ordered former Indonesian general Sinton Panjaitan pay a mother \$14 million in damages for his role in the 1991 Dili massacre in East Timor in which her son died. This court action is believed to be one of the first in the United States under the Torture Victim Protection Act, which provides extraterritorial federal jurisdiction over acts of torture and summary execution. 20-year-old Kamal Bamadhaj, a New Zealand citizen, was killed when Indonesian soldiers advanced on a demonstration by pro-independence Timorese, opening fire on the crowd. The Centre for Constitutional Rights, a New York-based public-interest law group, filed the lawsuit in Boston on his mother's behalf after learning that the Indonesian government had "punished" Panjaitan by sending him to study at the Harvard University School of Business (Harvard has no record of his enrollment.) Michael Ratner, the mother's attorney, called the ruling "an indictment of the entire Indonesian government and military," and said he will seek federal legislation to make future U.S. aid to Indonesia contingent on the payment the award. (SCYip)

(U) Guatemala: There has been no dramatic development in the Jennifer Harbury case. The Embassy reports her physical condition is declining and the Guatemalan Government may eventually decide to force feed her rather than allow her to die. (MTCurtin)

(U) Brazil: President Franco sent military troops to Rio today to play a role in cracking down on the wave of violent crime sweeping the city. He backed down on his original intention to declare a state of emergency which would have suspended constitutional rights after some expressed concerns about the human rights and democracy implications of such a move.

[REDACTED]  
(MTCurtin)

B1,A5

(U) Peru: The National Assembly passed a law reinstating the human rights prosecutor offices around the country. As you may recall, these offices were shut down during the summer when provision for them was left out of the decree reorganizing the Public Ministry. Although this law is not the comprehensive judicial reform we have been pressing for, it is an important stopgap. (MTCurtin)

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VDOS 001660

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**UNCLASSIFIED**

United States Department of State

 External Affairs (DRL/EA)

Washington, D.C. 20520

(U) AID's Democracy Group: At this week's meeting of AID's Democracy Group USIA presented a preliminary report on some democracy surveys it recently conducted at AID's request. These surveys were conducted in El Salvador, Panama, Turkey, Romania, Ukraine, Estonia, the Czech Republic and Slovakia. In general, the survey asked people whether specific values were important to a society and then asked whether their society reflected those values. The values covered civil liberties, free elections, due process, government accountability and civilian control over the military. The preliminary results are interesting and could be useful when the Bureau needs to make the case that democratic values are widely held or when we must justify providing democracy assistance programs. USIA will analyze the data and prepare a final report in the near future. The preliminary results are quite voluminous, but they are available in my office. (DBernstein)

**CONFIDENTIAL**

**UNCLASSIFIED**

VDOS 001661

UNCLASSIFIED

Tuesday

11/01/94 11:27 am Page:

1

To: Peg M. Willingham  
From: Anne W. Patterson  
Subject: Harbury parents

ROOM 4915

Date Received: 11/01/94

E4430

I talked to Jennifer Harbury's father.

B6

B6

I said that we had no information to suggest Bamaca was alive past 1992. We did have information to suggest he had been in custody at that date, but we had only fragmentary reports. I said that no one in the U.S. government believed that Mr. Bamaca was still alive.

B6

I outlined the steps that de Leon has taken, namely the appointment of Ambassador Alvarez and turning the issue over to the Verification commission.

B6

I went through possible pressure points, namely military assistance (none) and GSP and economic assistance (both of which predominantly benefit the poorer segment of GT society.)

B6

Rick--I think it would useful for you to call him, since you saw her just a couple of days ago. Let me talk to you since

RELEASED IN PART

B6

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/24/95  
Case ID: 951222B9

UNCLASSIFIED

GUATEMALA  
ARA (cen - Peg Willingham)  
Memos, Harbury, Emma  
2 of 3 (ACA)

0005 001663

UNCLASSIFIED

Tuesday

11/01/94 11:27 am Page:

2

I have more impressions than conveyed in this email. I have the number.

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0005 001664

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CONFIDENTIAL

E4441

MEMORANDUM

RELEASED

DATE: November 2, 1994  
TO: ARA/CEN - Peg Willingham  
THRU: DCM - John Keane  
FROM: CONS - Carolyn Gorman  
SUBJECT: Information on Possible Location of Bamaca Grave

Donaldo Garcia Palaez, Secretary General of the Supreme Court (Julio Rivera Claveria's replacement) informed Consul General and American Citizens Services consular officer this afternoon that they had received information which indicated that the body of URNG commander, Efraim Bamaca Velasquez, might be buried in an "XX" grave in the public cemetery of the town of Coatepeque. Congen and ACS officer went to Garcia Palaez' office for further details.

Judge Isnardo Roca, of the Third Penal Court of First Instance in Guatemala City was present and recounted to Congen and ACS officer what he had just explained to Garcia Palaez. He said that in March of 1992 (around the time that Bamaca disappeared), he was the Judge in the Court of First Instance in the town of Coatepeque, located about 55 km. from the town of Retahuleu. (Harbury said that the GOG told her Bamaca was buried in Retahuleu - site of the Aug. 1993 exhumation). Judge Roca remembered that in March 1992, his secretary had entered his office saying that there was a crowd of people in the park because two guerrillas, killed in combat had just been brought in in the back of a pick-up truck for burial. He specifically remembered that event because, according to Roca, there were very few altercations in that area between the army and guerrillas and very few casualties brought in. He said he did not go out to see the guerrillas.

About a month later, he continued, the Mexican Consul requested that Judge Roca order the exhumation of one of the two unidentified bodies because it was believed to be that of the Mexican journalist, Fernando de la Mora y Bueno. In May 1992, Judge Roca ordered and attended that exhumation. He said that the two bodies were in plastic bags, buried one on top of the other. The first body was determined not to be that of Mr. de la Mora as it was only about 1 meter, 60 or 70 cm. tall and did not have his characteristics. (Bamaca is 1 meter 60 centimeters tall). The other body was positively identified as Mr. de la Mora by his wife.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/24/96  
Case ID: 951222B9

327225  
EMBASSY GUATEMALA  
UNCLASSIFIED SECTION

VDOS 001687

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Judge Roca said that he remembers reading an article in the Guatemalan newspaper, "Prensa Libre" about 3 months ago which said that Bamaca had been killed at the same time as Fernando de la Mora y Bueno. Roca said that Harbury's recent hunger strike suddenly caused him to remember that article and connect it to the fact that he had exhumed de la Mora's body and that there was another unidentified cadaver with it, both buried in March 1992. He believes the other body may be that of Efrain Bamaca.

Garcia Palaez said that Judge Roca would give a more formal declaration tomorrow to the Supreme Court. They were also requesting the presence of Jennifer Harbury, the Head of the Public Ministry, Asisclo Valladares, and someone from the Embassy. They felt that an exhumation would be useful and assured that they could arrange it quickly. Conoff asked that they arrange for a guard at the gravesite in the meantime, to which they agreed.

They agreed that more than one forensic doctor should be present if an exhumation were to take place, preferably one from the United States, but all present decided details could be discussed after Ms. Harbury had been informed.

ACS consular officer, after conferring with Ambassador and DCM, visited Jennifer Harbury at her hunger strike sight to tell her the news. As Conoff began the story, Ms. Harbury interrupted almost immediately, maintaining that: 1. the article in the newspaper was false and the ex-guerrilla who had made the statements in the article told her (on videotape) that he had never been interviewed and the article was a "plant" and 2. she was already aware of the guerrillas buried in Coatepeque and they had been killed in a different firefight, not far from the site of her husband's firefight, two weeks earlier or later in March. (She said she remembered because her husband was very upset to learn that his friend, whom she thinks was de la Mora, was killed....but almost in the same sentence, she said she couldn't remember if de la Mora or her husband was killed first.) She also later said that the article, which she remembered as being from August, did not say anything about de la Mora and Bamaca being killed together, and that she has never seen an article which refers to that. (Embassy is trying to find the article).

Ms. Harbury said that the judge's memory was quite correct and that the dead guerrillas (and the journalist) were, according to her memory, in fact taken to Coatepeque, but that they died two weeks before (or after - she wasn't sure) her husband's death in a different firefight. She said she had been through all the relevant files and had records in her office in the states. Conoff asked her to try to call her office and have any relevant documents sent by fax to the Embassy for presentation to the judge tomorrow.

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Harbury also said that as forensic evidence for use at an exhumation, she has a video of Bamaca in which it can be seen that he has no metalwork in his teeth. But she added that she was not willing to attend another fruitless exhumation and she is convinced that this one would be. Harbury said she will thank the judge for his good intentions but put the record straight tomorrow. ACS officer will accompany.

On the chance that the court will decide to pursue the exhumation anyway, we are working on options for bringing in a capable, unbiased forensic expert. The question of who will pay would have to be resolved. It appears that the only material upon which identification could be based would be the videotape, a photo of Bamaca's face, and Jennifer Harbury's personal identification. We will also look into any other possibilities (i.e. DNA, finding family members, etc.) if it is decided to pursue the exhumation. We should have a clearer picture by tomorrow afternoon, after the meeting at the Supreme Court.

cc:file  
cons:cfkeil  
usis:dhamill  
pol:bgarcia  
pol:jcushing  
dao:dkeller

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EX  
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RELEASED IN PART B5

Text Message

Priority 2 November 2 1994 08:40 A.M.

Subject: Harbury/GSP

(received Wednesday 11/2/94 at 08:21 A.M.)

Select Action    - Send Reply                    \* View Document  
                  - Forward Message        - Copy Document  
                  - Delete Message

1 of 1

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Date: 08/25/95  
Case ID: 951222B9

Guatemala  
AmEmbassy 43222  
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1994-E-mails

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0005 001695



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**WANG OFFICE**

**UNCLASSIFIED**

0005 001696

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United States Department of State  
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Date: 08/25/95  
Case ID: 954222B9

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0005 001698

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ET4415

!Text Message

Priority 2 November 2 1994 08:36 A.M.

!Subject: Harbury parents  
!From: Peg M. Willingham

!From Peg M. Willingham: (received Wednesday 11/2/94 at 08:16 A.M.)

!Select Action - Send Reply  
- Forward Message  
- Delete Message

\* View Document  
- Copy Document

1 of 1

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United States Department of State  
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Case ID: 951222B9

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AMEMBASSY GUATEMALA  
POL SECTION - 1993-95  
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Distribution TO:

John Keane/ID00005-08881-01048-00645

Carol Murphy/ID00005-08881-01626-01049

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UDOS 001700

## FAX TRANSMITTAL

4 of pages

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United States Department of State

Assistant Secretary of State  
Bureau of Inter-American Affairs

Washington, D.C. 20520-6258

November 3, 1994

RELEASED

Mr. Lowell Bergman  
Producer  
60 Minutes  
524 West 57th Street  
New York, NY 10019  
Fax (212) 757-6975

Dear Mr. Bergman:

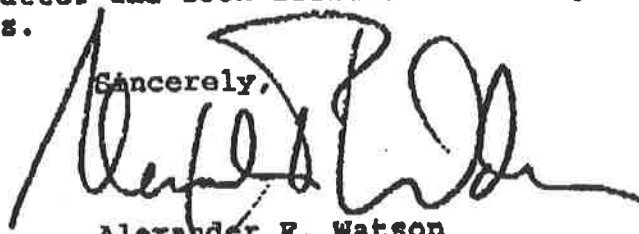
Thank you for your letter of October 27 requesting permission to interview me regarding efforts to locate Jennifer Harbury's husband, Efraim Bamaca.

I regret that I am unable to grant your request. I do, however, want to be of assistance in the production of this story. In this regard, I understand that the public affairs officer at our Embassy in Guatemala City and Richard Nuccio, Senior Adviser of this Bureau, have already briefed you about the case involving Mr. Bamaca.

Additionally, I would like to bring a number of facts about the efforts of the State Department in this case to your attention as well as provide you with information concerning the general human rights situation in Guatemala. To that effect, I have enclosed documents addressing these issues.

I would like to assure you and your viewers that we sympathize deeply with Ms. Harbury's plight and will continue to press hard for answers in this disturbing case. I thank you for your interest in this matter and look forward to seeing your production when it airs.

Sincerely,



Alexander F. Watson

UDOS 001725

## Enclosures:

United States Department of State  
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Case ID: 951222C0

and Information on Bamaca Case  
a Human Rights Report, 1993

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GUATEMALA

Am Embassy

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1992-95 Releaseable  
memos/letters:

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Background Information

E4469A

Case of Efrain Bamaca

**RELEASED**

Respect for Human Rights a Key Goal of U.S. Policy

Promoting respect for human rights is at the top of the State Department's bilateral agenda in Guatemala. Our human rights policy has several major components:

-- The State Department's annual human rights report provides a public, forthright and detailed assessment of the human rights situation in Guatemala;

-- We discuss with the Government of Guatemala specific cases of human rights abuses and measures to address the factors that cause such abuses;

-- We provide modest amounts of assistance to improve the administration of justice, support judicial and criminal procedure reform, bolster the work of the Human Rights Ombudsman and non-governmental human rights organizations; and

-- We actively support the Guatemalan peace talks. Nothing would improve the Guatemalan human rights situation more dramatically than an end to its 34-year old conflict.

Is Bamaca Alive?

The case of Efrain Bamaca, the Guatemalan guerrilla leader and husband of American citizen Jennifer Harbury first came to our attention in March 1993, when Ms. Harbury met with staff of our embassy in Guatemala City. We raised the issue of Mr. Bamaca's whereabouts with the Government of Guatemala that same month. Later that year, we received inconclusive information from third-party sources that suggested that Mr. Bamaca may indeed have been captured by the Guatemalan Army rather than having died in combat, and that he may have been alive in their custody in 1992. Though the Guatemalan Army has admitted in the past to housing on military bases former guerrillas who have agreed to cooperate with them, they have repeatedly told us that they do not have, and have never had, Mr. Bamaca in their custody.

We simply do not know whether Mr. Bamaca is alive or dead and have never received any indication that he was living at any time after we became involved in this case. Any assertions to the contrary are erroneous. Nevertheless, in the absence of

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conclusive evidence one way or the other, we have assumed throughout that he could still be alive, and we have acted accordingly.

### U.S. Government and U.S. Embassy Actions

We have repeatedly pressed the Government of Guatemala for a full investigation of this matter. We have provided and continue to provide extensive assistance to Ms. Harbury in the effort to determine what happened to her husband.

In addition to raising the Bamaca case with the Guatemalan Government as soon as we knew of it, our embassy in Guatemala City has repeatedly encouraged Guatemalan officials to meet and cooperate with Ms. Harbury. We facilitated the exhumation of a grave in August 1993, to determine if it contained her husband's remains, and an embassy officer accompanied Ms. Harbury as a witness to the exhumation. Those remains were identified as not belonging to her husband.

Senior officials of the State Department--the Assistant Secretary of State for Democracy, Human Rights and Labor, a Deputy Assistant Secretary of State for Inter-American Affairs, and the U.S. Ambassador to the UN Human Rights Commission--have each met one or more times with Ms. Harbury. Additionally, Ambassador McAfee has met some ten or more times with Ms. Harbury.

We have repeatedly raised our concerns about this case directly with senior Guatemalan officials including, among others, the President, the Minister of Defense, the Minister of Foreign Affairs, the Attorney General, and the Guatemalan Ambassador here in Washington. Since Ms. Harbury began her hunger strike on October 11, Ambassador McAfee has met with her personally on at least seven occasions. Embassy officers visit Ms. Harbury daily, and we have made clear to the Guatemalan Government that the United States expects that government to ensure her physical security.

We welcome President de Leon's October 27 announcement of a special investigation of the Bamaca case, his naming of a coordinator to head the investigation, and the issuance of a new writ of habeas corpus. We hope that these measures will lead to the resolution of this case.

### U.S. Aid to Guatemala

Our development assistance program in Guatemala is relatively small (approximately \$40 million) but provides vitally needed aid that promotes health and child survival, judicial reform, measures to protect the environment and to encourage broad-based sustainable development. Much of our aid to

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Guatemala is delivered through non-governmental organizations (NGOs) to ensure that it goes directly to the most needy. Military aid to Guatemala was halted in 1990 because of concern over persistent human rights abuses. In 1994, we converted the \$4.6 million of frozen military aid to civilian economic support funds and earmarked it for future support of a comprehensive peace agreement.

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United States Department of State

E4481

Washington, D.C. 20520

November 3, 1994

RELEASED IN PART

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INR-IL

Segregation

**SECRET**  
**DECL: OADR**  
**MEMORANDUM**

**TO:** INR/DAS--Thomas Fingar  
**FROM:** INR/IAA--Robert O. Homme <sup>POH</sup>  
**SUBJECT:** Heads Up: The Harbury/Bamaca Case

Background

AmCit Jennifer Harbury began a hunger strike in Guatemala City October 11 over the March 1992 disappearance of her alleged husband, URNG guerrilla leader Efraim Bamaca Velasquez. The case is overshadowing our bilateral relations and could seriously interfere with ongoing, U.S.-promoted peace talks between the Government of Guatemala (GOG) and the URNG.

The case has attracted considerable media attention; "60 Minutes" plans to air a report on Harbury/Bamaca this Sunday, November 6, which will inevitably generate even greater coverage. The Department is under strong pressure from the Hill to do what is necessary to assist in resolving the matter; over 20 members of Congress have contacted the Department. A briefing for HFAC and SFRC staffers by ARA Senior Adviser Rick Nuccio was well-attended and contentious, with staffers of both parties claiming the Administration knows more about Bamaca than it is willing to reveal.

Responding to the pressure, the GOG announced October 27 that a Presidential Commission, headed by Guatemala's Ambassador to the OAS, would undertake a new investigation into Bamaca's disappearance. Additionally, a special prosecutor ("fiscal específico") has been named, and Guatemala's solicitor general has filed a "habeas corpus" on behalf of Bamaca before the nation's Supreme Court.

B1,A5

**Drafted:** IAA/MAC: DJSavastuk  
**Attachment:** As stated.

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United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
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UNCLASSIFIED United States Department of State

Washington, D. C. 20520

November 4, 1994

INFORMATION MEMORANDUM  
S/S

MG

RELEASED IN PART  
B1,A5,B5CONFIDENTIAL  
DECL:OADR

TO: The Secretary  
THRU: P - Mr. Tarnoff  
FROM: ARA - Alexander F. Watson  
SUBJECT: Guatemala - Jennifer Harbury/Efrain Bamaca Case

SUMMARY

Ancit Jennifer Harbury's hunger strike in Guatemala to protest the disappearance of her Guatemalan common law husband, guerrilla Efrain Bamaca, has prompted a "60 Minutes" story which will air this Sunday, November 6. The embassy has provided Harbury with extraordinary assistance and has pressed the case repeatedly and urgently with the GOG, which has opened a new investigation. We have described our extensive actions in support of Harbury in writing to "60 Minutes," but we expect the story to portray the USG as not doing enough. Harbury remains on a hunger strike, insisting that she will not desist until her husband is produced. We have no conclusive information on Bamaca's whereabouts. Although it seems unlikely that he remains alive, we have always proceeded on the assumption that he could be. It is unlikely that the GOG's efforts will satisfy Harbury, which leaves the outcome of the developing drama in doubt. The GOG may hospitalize and feed Harbury against her will or deport her. Harbury and her supporters are pressing for U.S. trade sanctions against Guatemala.

DISCUSSION

Ancit Jennifer Harbury remains on a hunger strike in Guatemala to protest the disappearance of her Guatemalan common law husband, guerrilla Efrain Bamaca. Her fast, which has attracted significant Congressional, White House, press and public attention since it began October 11, has prompted a "60 Minutes" story which will air this Sunday, November 6. While we have given "60 Minutes" our views on the case in the form of a letter I sent yesterday, we expect the story to portray the

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USG as not doing enough to press the Guatemalan military and government for a full accounting.

### USG Actions Thus Far

Harbury sought embassy assistance for the first time in March 1993. We raised the case with the Government of Guatemala that same month and repeatedly since then with the President, Foreign Minister, Defense Minister, Attorney General and other officials. We have also provided an extraordinary amount of consular assistance to Ms. Harbury: obtaining appointments with high-ranking government officials; facilitating an August 1993 exhumation to determine if Bamaca was the person buried (he was not); and a variety of personal assistance to Ms. Harbury, including seven visits and meetings with our Ambassador in Guatemala since her hunger strike began. Ms. Harbury has also been received at high levels of the USG, including DRL's John Shattuck, ARA DAS Anne Patterson, ARA Senior Adviser Richard Nuccio, and UN Human Rights Commission Ambassador Geraldine Ferraro.

### GOG Actions

On October 27 Guatemalan President de Leon announced a new investigation into the Bamaca case and named a special coordinator to head it -- Guatemalan Permanent Representative to the OAS Cesar Alvarez Guadamuz. On November 3, Harbury met for several hours with Guatemalan officials to discuss the case. The GOG, which had issued a writ of habeas corpus in June but had failed to find evidence of Bamaca's whereabouts, will interview Bamaca's family on November 7 to obtain more information before deciding if Harbury, a GOG official, or Bamaca's family can visit places of detention to look for him. An exhumation is scheduled for November 8 to determine if remains in an unmarked grave are Bamaca's. The embassy persuaded the GOG to delay the exhumation until then to allow Harbury to find a forensic authority of her choosing to supervise the proceedings, although Harbury doubts that the remains are Bamaca's. These steps, and continued high-level attention to the case, demonstrate the GOG's apparent determination to move the case forward quickly.

### Impasse

We have no conclusive information on Bamaca's whereabouts and have never received any indication that he was living at any time after we became involved in this case in 1993. Later that year, we received inconclusive information from third-party sources that suggested that Bamaca may indeed have been captured by the Guatemalan Army rather than having died in combat, and that he may have been alive in their custody in 1992. Though the Guatemalan Army has admitted in the past to housing on military bases former guerrillas who have agreed to cooperate with them, they have repeatedly told us that they do not have, and have never had, Bamaca in their custody. It is

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unlikely that he is still alive; it is also unlikely that the GOG's efforts will satisfy Harbury. Despite the assistance we have provided, Harbury maintains that the embassy has not done enough to pressure the GOG. She demands that the U.S. impose trade sanctions on Guatemala if they fail to release or account fully for Bamaca.

#### Legality of Forced Hospitalization/Feeding

Harbury has stated that she did not want any medical treatment after October 31 unless she authorizes it. The embassy has been advised that under Guatemalan law, Guatemalan authorities can force-feed or deport her. In point of fact, the rights of Harbury and the GOG in a test of wills is not entirely clear.

The GOG has already sent a doctor to examine Harbury, who told embassy officers that she "passed with flying colors." Harbury has been taking vitamins and a special electrolyte solution and appears energetic, albeit haggard. Her health is bound to deteriorate, however, as her fast persists. Harbury appears determined to remain on a hunger strike; the GOG may hospitalize or deport her before much longer.

#### Possible Outcomes

- Bamaca found alive. This is extremely unlikely but not impossible. If this occurs, we should urge the GOG to accord him the full range of human rights to which he may be entitled, including due process of law.
- Bamaca found dead. While Bamaca is probably dead, the chances of the GOG admitting responsibility and producing his body are fairly slim. Whether Harbury would end her hunger strike if Bamaca's remains are located, or the GOG were to admit responsibility, is unclear.
- Inconclusive investigation. Unfortunately, this is the most likely scenario. The GOG has a poor record on resolving individual human rights cases, despite USG and international scrutiny. A notable exception, the Michael Devine case, involved the 1990 murder of an Amcit by the army. USG pressure including the ongoing ban on military assistance was tremendous, but we have less leverage in this case which does not closely parallel Devine's.
- GOG orders Harbury's hospitalization/forced feeding. The GOG, as noted above, could seek under their laws to take this step as Harbury's health declines. However, we have spoken to Harbury's parents who say they would oppose such a move and may retain counsel for that purpose. We do not know if this would affect a GOG decision.

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-- GOG orders Harbury's deportation. The GOG is reportedly considering this step. If deported, Harbury may need to be medevaced.

Next Steps

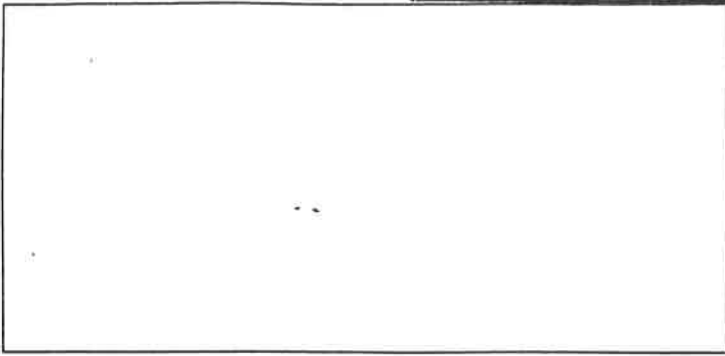
While our pressure on the GOG has been intense, we need to consider additional steps. Congressional views on Guatemala, never very positive in the past, are likely to be jaundiced even more by perceived GOG and USG inaction; Senator Leahy has already written to the Minister of Defense about this case. We have not threatened the GOG with trade or economic sanctions, but we can point out that termination of the USG's review of their GSP benefits, and passage of the Interim Trade Package, will be even more difficult in the current climate.

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**WHAT ARE OUR REQUESTS? (from Jennifer)**

1. We are asking that Efraim Barrios Velazquez and the other prisoners be turned over to the courts of Guatemala and given fair and public trials. If convicted of any crime, they must be sentenced to terms in public, not clandestine prisons, they cannot be tortured, and they must be given access to family members, physicians and human rights organizations. These are the minimum requirements of international humanitarian law, and they apply to both civilians and combatants alike. Also, under the recently signed global Human Rights Accord, now legally in effect, the prisoners should already have been turned over to the Human Rights Procurator. These accords are being defied by the army at this time. The prisoners have not been turned over, and human rights violations are in fact sharply increasing. There is much reason to fear that the prisoners are in danger of imminent extrajudicial execution. Urgent action is necessary.
2. We are asking that President Clinton intervene in this case, as he did for the U.S. citizens in the Singapore caning case. Unlike that case, we are not asking that leniency or special treatment be given to anyone. As noted above, we are asking for compliance with the minimum requirements of international law, as well as the recently signed peace accord on human rights. It is not necessary that the President issue any public statements. We do, however, need for him to discreetly but firmly inform the army that this case must be properly resolved. He should stress that mere signing, without compliance, of the peace agreements, will not be acceptable to the United States, and that the escalating human rights violations will not be tolerated. Trade relations, such as the possibility of NAFTA, should be mentioned.
3. We are asking that Congress and the Senate reconsider current funding to Guatemala, including peace monies, until the ongoing human rights violations cease, and this case is resolved as a sign of the army's good faith intention to comply with human rights norms in the future. Trade relations should particularly be scrutinized at this time, given the increase in human rights violations, especially towards labor leaders. The message should be that the money is in the drawer, but will not be delivered until the army stops killing people. A strong message should also be sent to the Department of State to take a firmer stance on this case, and to attach consequences to any extrajudicial executions that might occur.
4. Richard Nuccio of the Department of State is deeply involved in the peace talks between the U.R.N.G. forces and the Guatemalan government. He is acting as a de facto intermediary. He has raised this case once with the Minister of Defense, but to my knowledge it has not been pursued. Both Nuccio and U.S. Ambassador Marilyn MacAfee seem to feel that they can do no more than "mention" this case. They mention it, the army replies that they do not have my husband, and that is the end of the matter. MacAfee has told me directly that there will be no consequences if Everardo and the others are killed despite OAS orders, Monica Pinto's statement at the UN, and the massive outcry by Congress, Senate, and Human Rights Organizations. If no consequences are attached, the army will obviously feel free to shoot these prisoners at will. If they succeed in doing so with international impunity, they will feel free to kill many many more people, especially inconvenient civilian leaders in the future. It is highly unlikely that there will ever be such clear and complete evidence in another case. If they can get away with this they can get away with anything, and they know it. They are testing us. We must insist that the State Department attach severe consequences to any extrajudicial executions that may occur and insist that the army comply with the law. This is not an individual case. This is a test case.

United States Department of State  
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U D O S 001814

# UNCLASSIFIED CONFIDENTIAL Department of State

INCOMING  
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PAGE 04 OF 02 GATEWAY 10067 00.00 03 071511Z  
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002523

INFO 100-00 ACDA-17 ACNE-00 AID-00 AMO-01 CA-02 CLAE-00  
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E.O. 12356: DECL: OADR  
TAGS: CASE, PORN, PINS, PCOM, PIRM, GT  
SUBJECT: HARBURY; EXHUMATION PARIC AND COURT HEARING

EF: GUATEMALA 9370

1. SUMMARY: EMBASSY LEARNED FROM ARA/CEN DIRECTOR LATE EVENING OF NOV. 4 OF A PLANNED EXHUMATION OF POSSIBLE EFRAIN BARACA REMAINS REPORTEDLY SCHEDULED TO BEGIN AT 0800 IN COATEPEQUE, A 4-HOUR DRIVE FROM GUATEMALA CITY. THIS UNEXPECTED NEWS FOLLOWED A FULL DAY WHICH INCLUDED A SUPREME COURT HEARING ON BARACA LENGTHY QUESTIONING BY PUBLIC MINISTRY SPECIAL INVESTIGATORS OF JENNIFER HARBURY, AND FURTHER DISCUSSIONS ON THE POSSIBLE BARACA GRAVE MENTIONED IN REFTEL. AMBASSADOR AND EMBASSY STAFF WORKED THROUGH THE NIGHT TO VERIFY INFORMATION ON THE EXHUMATION AND ARRANGE TRANSPORTATION, CONSULAR ACCOMPANIMENT, SECURITY, CAMERAS, AND A FORENSIC SPECIALIST. AT THE SAME TIME AMBASSADOR AND CONSUL GENERAL WERE PLACING NIDOLE-OF-NIGHT CALLS TO THE ATTORNEY GENERAL, THE SOLICITOR GENERAL, AND OTHER OFFICIALS TO TRY TO ARRANGE FOR POSTPONEMENT OF THE PROCEEDING UNTIL THE HARBURY TEAM COULD BETTER PREPARE. EMBASSY'S ALL-NIGHT EFFORTS CAME TO FRUITION AT 0015 ON NOV. 4 WHEN THE ATTORNEY GENERAL AND THE JUSTICES IN THE CASE AGREED TO POSTPONE EXHUMATION UNTIL TUESDAY, NOV. 8. EMBASSY ONLY LEARNED OF THE POSSIBILITY OF A FRIDAY EXHUMATION FROM SOURCES ON WASHINGTON. HARBURY, WHO WAS TOLD OF THE EXHUMATION AT 1700 NOV. 4, DID NOT INFORM THE EMBASSY. SHE WAS ALSO NOT FORTHCOMING REGARDING THE SUPREME COURT HEARING WHICH CONOFF LEARNED OF BY CHANCE AND ATTENDED ON HER OWN INITIATIVE. A SECOND HEARING WAS BEEN SCHEDULED FOR NOV. 7 AT WHICH BARACA'S RECENTLY LOCATED FAMILY WILL TESTIFY. END SUMMARY.

2. A HEARING WAS HELD ON NOV. 4 IN THE GUATEMALAN SUPREME COURT TO DETERMINE WHETHER THERE IS ENOUGH EVIDENCE TO ORDER A FURTHER INVESTIGATION INTO THE BARACA DISAPPEARANCE. THE BASIS FOR SUCH A HEARING IS IN THE NEW PERAL PROCEDURES CODE WHICH WENT INTO EFFECT LAST JULY. YESTERDAY'S HEARING WAS THE FIRST OF ITS KIND TO TAKE PLACE IN GUATEMALA AND IS VIEWED BY MANY AS A KEY EVENT IN GUATEMALAN JUDICIAL

2. ACCORDING TO ARTICLES 467 - 470 OF THE NEW PERAL PROCEDURES CODE, A SUPREME COURT HEARING CAN DECIDE IF A SPECIAL INVESTIGATION PROCEDURE IS WARRANTED IN THE CASE OF A MISSING PERSON IN WHICH A WRIT OF HABEAS CORPUS HAS BEEN ISSUED ON THAT PERSON'S DEATH WITH NO RESULTS AFTER THE REQUIRED WAITING PERIOD OF THREE MONTHS. IN THE BARACA CASE, THE SOLICITOR GENERAL HAD REQUESTED A WRIT OF HABEAS CORPUS ON BARACA'S DEATH IN JUNE OF 1994. THE WRIT WAS GRANTED AND SENT TO ALL MILITARY BASES, PRISONS AND DETENTION CENTERS IN THE COUNTRY. AS NO POSITIVE REPLY WAS RECEIVED THE SUPREME COURT SCHEDULED THE NOV. 4 HEARING. PUBLIC MINISTRY OFFICIALS AND JENNIFER HARBURY PRESENTED DECLARATIONS AND EVIDENCE TO ALL 13 MAGISTRATES OF THE SUPREME COURT. THE PUBLIC MINISTRY REQUESTED THAT THE COURT PUT OFF A FINAL DECISION AND SCHEDULE A FOLLOW-UP HEARING SO THAT EFRAIN BARACA'S FATHER AND SISTER, LOCATED ONLY YESTERDAY, COULD OFFER THEIR TESTIMONY REGARDING BARACA'S POSSIBLE WHEREABOUTS AND HIS RELATIONSHIP WITH JENNIFER HARBURY. A FOLLOW-UP HEARING WAS

SCHEDULED FOR NOV. 7. COMMENT: HARBURY MENTIONED HER "11 A.M. APPOINTMENT" TO ACS OFFICER IN PASSING. WHEN ACS OFFICER ASKED HER WHAT IT WAS ABOUT SHE SAID, "OH, JUST SOME TECHNICAL JUDICIAL THING THAT IS TOO HARD TO EXPLAIN." WHEN ACS OFFICER LATER LEARNED THAT IT WAS AN IMPORTANT HEARING, SHE DECIDED TO ATTEND AND OFFERED TO TAKE MR. HARBURY IN AN EMBASSY VAN. MR. HARBURY DECLINED THE OFFER, SAYING SHE WOULD GO WITH HER LAWYER OR IN A TAXI. SHE SPOKE VERY LITTLE TO CONOFF AT THE HEARING. IT SEEMED TO CONOFF THAT HARBURY WAS RELUCTANT TO INFORM THE EMBASSY OF THE PROCEEDING AND DID NOT WISH TO APPEAR TOGETHER WITH AN EMBASSY OFFICIAL AT THE HEARING. END COMMENT.

4. FOLLOWING THE HEARING, HARBURY CONFERRED WITH THE JUDGES WHO HAD SUGGESTED THAT BARACA'S BODY MIGHT BE IN A GRAVE IN RETANLEU (SEE REFTEL). AMERICAN CITIZENS SERVICES OFFICER WAS ALSO PRESENT. WHILE HARBURY BELIEVES THAT THE BODY IS NOT BARACA'S AND STATED THAT SHE DOES NOT WANT TO PARTICIPATE IN A FRUITLESS EXHUMATION, SHE SAID THAT SHE WOULD RESERVE HER FINAL DECISION UNTIL SHE HAS FIRST EXAMINED THE AUTOPSY RECORD OF THAT BODY. SHE DEPARTED THE

MEETING FOR AN APPOINTMENT WITH PUBLIC MINISTRY INVESTIGATORS WHERE SHE EXPECTED TO ANSWER 57 QUESTIONS RELATED TO THE BARACA INVESTIGATION.

5. ACS OFFICER REMAINED IN THE JUDGES' OFFICE AFTER MR. HARBURY DEPARTED. WHILE SHE WAS THERE, THE JUDGE WAS HANDING THE AUTOPSY REPORT OF THE BODY SUSPECTED TO BE BARACA'S. SHE REVIEWED IT WITH THE JUDGE, NOTING THAT THE HEIGHT OF THE BODY IN QUESTION IS 1.60 METER 60 CM, THE SKIN TONE AND THE "WIDE FOREHEAD" WERE SIMILAR TO BARACA'S DESCRIPTION BUT THAT THE "SPRINKLE EYEBROWS" AND "SMALL HORN/TORN LIPS" LISTED IN THE AUTOPSY REPORT WERE OPPOSITE TO THOSE OF EFRAIN BARACA. WHEN ACS OFFICER DEPARTED FOR EMBASSY, SHE WAS NOT INFORMED OR GIVEN THE IMPRESSION THAT AN EXHUMATION WOULD BE SCHEDULED THE NEXT DAY.

6. AT APPROXIMATELY 8:20 P.M. THAT NIGHT, AMBASSADOR

CCS/ARA

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/96  
Case ID: 951222C2

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RECEIVED A CALL FROM ARA/CEN OFFICE DIRECTOR, JOHN  
HAMILTON. HE TOLD HER THAT SEVERAL SUPPORTERS OF  
JENNIFER HARBURY HAD CALLED DEPT. TO COMPLAIN THAT  
SHE HAD TO ATTEND AN EARLY MORNING EXHUMATION THE  
NEXT DAY AND THAT THE PUBLIC MINISTRY'S QUESTIONING  
SESSION HAD BEEN "INTIMIDATING." AMBASSADOR  
CONFERRED WITH CONGEN AND ACS OFFICER AND REPORTED  
THAT EMBASSY KNEW NOTHING OF A SCHEDULED EXHUMATION  
BUT WOULD VERIFY ASAP. AMBASSADOR SENT AN EMBASSY  
POLICEMAN TO HARBURY'S SITE WITH A NOTE REQUESTING  
HER TO CALL EMBASSY IMMEDIATELY. MEANWHILE THE  
AMBASSADOR, CONGEN, AND ACS OFFICER BEGAN CALLING  
GUATEMALAN PUBLIC MINISTRY AND JUDICIAL OFFICIALS TO  
DETERMINE WHETHER OR NOT AN EXHUMATION HAD BEEN  
SCHEDULED. ACS OFFICER WAS FINALLY ABLE TO REACH A  
PUBLIC MINISTRY OFFICIAL AT HIS HOME, WHO CONFIRMED  
THAT AN EXHUMATION WOULD INDEED TAKE PLACE AND CLAIMED

THAT IT HAD BEEN ANNOUNCED AT THE HEARING THAT DAY,  
ADDING THAT ACS OFFICER, MS. HARBURY, AND HER LAWYER  
HAD PERHAPS "MISSED" THE ANNOUNCEMENT ON THE  
OTHERWISE SILENT PHONE. IT WAS LATER CONFIRMED THAT  
THE DECISION HAD IN FACT BEEN TAKEN BY PUBLIC  
MINISTRY OFFICIALS ABOUT 2 HOURS AFTER THE HEARING  
ENDED.

7. AMBASSADOR DIRECTED CONGEN AND REST OF EMBASSY  
STAFF TO MAKE ALL NECESSARY ARRANGEMENTS POSSIBLE,  
GIVEN THE SHORT NOTICE. IT WAS DECIDED THAT CONGEN  
AND EMBASSY WSO WOULD ATTEND AND A VEHICLE WAS  
ARRANGED. ACS OFFICER TALKED WITH HARBURY'S  
SUPPORTERS AT THE PLAZA CENTRAL WHO SAID THEY HAD  
ARRANGED THEIR OWN VEHICLES AND PLANNED TO ENLIST THE  
SERVICES OF RUDY KAHNMAN, A LOCAL AMERICAN FORENSIC  
ANTHROPOLOGIST. THEY ALSO SAID THAT EMBASSY DID NOT  
NEED TO ARRANGE A VIDEO CAMERA AS THEY ALREADY HAD ONE.

8. AT 11 PM, ACS OFFICER RECEIVED A MESSAGE AT HOME  
FROM THE MARINE GUARD ON DUTY AT THE EMBASSY WHO SAID  
THAT HARBURY HAD CALLED WITH A MESSAGE STATING:  
"EVERYTHING SHOULD BE RESOLVED BY MORNING AND YOU  
SHOULDN'T HAVE TO GET UP EARLY." AN HOUR LATER, DR.  
HENRY HARBURY, JENNIFER'S FATHER, CALLED ACS OFFICER  
FROM THE U.S. HE ASKED IF IT WAS TRUE THAT THE  
EXHUMATION HAD BEEN CANCELLED AS HAD BEEN REPORTED TO  
HIM BY THE GUATEMALAN HUMAN RIGHTS COMMISSION WHO, IN  
TURN, HAD HEARD IT FROM DIANA ORTIZ. HE TOLD CONOFF  
THE EXHUMATION SHOULD NOT TAKE PLACE BECAUSE HIS  
DAUGHTER HAD NOT HAD TIME TO ARRANGE FOR A FORENSIC

PATHOLOGIST AND THAT WITHOUT SUCH AN EXPERT PRESENT,  
THE EXHUMATION WOULD LACK ALL CREDIBILITY AND BE  
UNACCEPTABLE TO THE INTERNATIONAL COMMUNITY. HE  
DEMANDED THAT THE EMBASSY ARRANGE FOR THE  
EXHUMATION'S CANCELLATION. ACS OFFICER ASSURED HIM  
THAT SHE WOULD PASS HIS VIEWS ON TO THE AMBASSADOR.  
SHE ADDED THAT EMBASSY STAFF HAD ONLY JUST LEARNED OF  
THE EXHUMATION AS JENNIFER HAD REQUESTED TO ADVISE  
THEM, BUT THAT SHE WOULD SEE IF THE EXHUMATION COULD  
BE CALLED OFF AT THAT LATE HOUR.

9. CONOFF CALLED DIANA ORTIZ AND IT BECAME CLEAR  
THAT DR. ORTIZ HAD MISUNDERSTOOD A STATEMENT THAT THE  
EXHUMATION MIGHT BE CANCELLED AND HAD CONSEQUENTLY  
MISINFORMED HER HEAD OFFICE. CONOFF CALLED  
AMBASSADOR AND INFORMED HER OF THE SITUATION AND DR.  
HARBURY'S REQUEST. AMBASSADOR AGREED WITH DR.  
HARBURY'S REASONING AND INSTRUCTED CONGEN TO CONTACT  
PUBLIC MINISTRY OFFICIALS AND REQUEST THE  
POSTPONEMENT OF THE EVENT. CURRENT: EMBASSY UP TO

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THIS POINT DID WORKED TO MAKE ALL ARRANGEMENTS TO  
ATTEND THE EXHUMATION AS MS. HARBURY HAD INDICATED

THAT SHE WOULD ATTEND AND HAD NOT REQUESTED THE  
EMBASSY'S INTERVENTION TO CANCEL THE EVENT. END  
CONVENT. CONGEN CALLED DR. HARBURY AND AFTER SEVERAL  
FOUR ATTEMPTS, FINALLY REACHED THE GUATEMALAN  
ATTORNEY GENERAL AT 1:05 A.M. AND TOLD HIM THAT IT  
WAS NOT WITHIN HIS POWER, BUT RATHER THE JUDGE'S TO  
CONTEMPLATE TO CANCEL THE PROCEEDING.

10. MEANWHILE, ACS OFFICER WHO TOLD THAT PETER  
HENRY, A HUMAN RIGHTS ACTIVIST WITH POSSIBLE  
FORENSIC EXPERIENCE, WAS ARRIVING AT 6:20 AM THAT  
MORNING. SHE ARRANGED FOR AN EMBASSY VICE CONSUL AND  
VEHICLE TO EXPEDITE HIM THROUGH AIRPORT CUSTOMS AND  
TAKE HIM IN THE EMBASSY VEHICLE TO CONTEMPLATE TO  
ATTEND AND POSSIBLY ASSIST IN THE EXHUMATION.

11. EMBASSY CONGEN AND WSO DEPARTED AT 6:40 A.M. FOR  
EXHUMATION SITE. JENNIFER HARBURY AND HER SUPPORTERS  
DROVE IN THEIR OWN VEHICLES. AMBASSADOR, CONGEN, AND  
ACS OFFICER BEGAN CALLING GOG OFFICIALS AT 7:30 A.M.  
TO AGAIN REQUEST THAT THE EXHUMATION BE CANCELLED IF  
POSSIBLE. THE SECRETARY GENERAL OF THE SUPREME  
COURT, DONALDO GARCIA PELAEZ, WHO SPOKE WITH ACS  
OFFICER, AND THE ATTORNEY GENERAL RAFAEL CUESTAS, WHO  
SPOKE WITH AMBASSADOR, DISCUSSED THE REQUEST AND AT  
8:15 A.M. INFORMED THE EMBASSY THAT THE EXHUMATION  
HAD BEEN POSTPONED UNTIL TUESDAY, NOVEMBER 8. CONGEN  
LATER REPORTED FROM THE EXHUMATION SITE THAT PUBLIC  
MINISTRY OFFICIALS WERE BEING VERY FLEXIBLE AND WOULD  
ALLOW JENNIFER HARBURY TO CHOOSE THE DAY MOST  
CONVENIENT FOR HER, PREFERABLY NEXT WEEK.

12. THE EMBASSY EXERTED A TITANIC EFFORT IN THIS  
LATEST TWIST IN THE HARBURY/BANACA CASE TO ASSIST MS.  
HARBURY AS MUCH AS POSSIBLE. THE EMBASSY'S  
EFFECTIVENESS IN THIS CASE WAS HAMPERED BY A SHORT  
TIME FRAME AND LACK OF INFORMATION AS REGARDING THE  
EXHUMATION ITSELF AND AS REGARDING MS. HARBURY'S

FAILURE TO COMMUNICATE TO THE EMBASSY HER KNOWLEDGE  
OF THE SCHEDULED EXHUMATION AND HER VIEWS REGARDING  
ITS CANCELLATION. THANKS TO AN ALL-ROUNDER EFFORT BY  
SEVERAL EMBASSY OFFICIALS, THE SITUATION WAS RESOLVED  
ON TIME AND HOPEFULLY TO THE SATISFACTION OF ALL  
INVOLVED. MEANWHILE, JENNIFER HARBURY PLANS TO  
CONTINUE HER STRIKE AT THE PLAZA CENTRAL.

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ACTION ARA-00

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JUDICIAL APPROVAL FOR AN EXHUMATION.

SKB7136

INFO LOG-00 ACDA-17 AID-00 ANAD-01 CA-02 CIAE-00 C-01  
OAS-00 DOEE-00 ED-00 HA-03 H-01 TEDE-00 INR-00  
IO-16 L-00 ADS-00 NSAE-00 NSCE-00 OCS-00 OIC-02  
OMB-01 PA-02 PH-00 PRS-01 P-01 RP-10 SIL-00  
SP-00 SP-00 SR-00 SS-00 STR-16 TRSE-00 T-00  
USIE-00 RPE-01 CORE-00 /095V

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R 141444Z SEP 93  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 0800  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK  
USCINCSO QUARRY HEIGHTS PM  
DIA WASHDC

UNCLAS GUATEMALA 10348  
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E.O. 12356: N/A  
TAGS: CASC, PHUL, PINS, PCOV, PINR, CT HARBURY,  
JENNIFER  
SUBJECT: ROASTING IN RETALHULEU: THE EXHUMATION OF  
"COMANDANTE EVERARDO"

REF. A. GUATEMALA 3794

1. SUMMARY. EXHUMATION CARRIED OUT ON AUG. 17, 1993  
IN RETALHULEU OF GRAVE WHICH REPORTEDLY CONTAINED  
REMAINS OF GUATEMALAN GUERRILLA EFRAIN BAHACA  
VELASQUEZ, SPOUSE OF ANCI JENNIFER HARBURY, PROVED  
THAT THE BODY IN GRAVE WAS NOT BAHACA. US FORENSIC  
EXPERT AND GUATEMALAN FORENSIC TEAM PARTICIPATED IN  
EXHUMATION, AT WHICH BOTH COG AND INTERNATIONAL HUMAN  
RIGHTS OBSERVERS WERE PRESENT, AS WAS CONOFF. HARBURY  
BELIEVES THAT HER HUSBAND IS BEING HELD IN A  
CLANDESTINE PRISON IN GUATEMALA. COG ATTORNEY  
GENERAL'S OFFICE WILL CONTINUE INVESTIGATION INTO  
BAHACA'S WHEREABOUTS. CASE HAS ATTRACTED ATTENTION OF  
INTERNATIONAL HUMAN RIGHTS GROUPS AND US CONGRESS.  
FOLLOWING DETAILED DESCRIPTION OF THE EXHUMATION IS  
PROVIDED FOR DEPARTMENT'S INFORMATION IN THE EVENT OF  
FUTURE QUESTIONS. END SUMMARY.

2. ANCI JENNIFER KRISTINA HARBURY (DPOB OCT. 27,  
1951, MARYLAND, PPT. 788148199 ISSUED SEPT. 14, 1992,  
MEXICO CITY) HAS BEEN IN CONTACT WITH EMBASSY SINCE  
MARCH 1993 CONCERNING EFFORTS TO LOCATE HER  
GUATEMALAN HUSBAND, GUATEMALAN CITIZEN EFRAIN BAHACA  
VELASQUEZ. BAHACA, BORN JUNE 18, 1957 IN SAN MARCOS  
DEPARTMENT, GUATEMALA, WHO FOUGHT IN GUATEMALAN  
GUERRILLA GROUP UNDER THE NAME "COMANDANTE  
EVERARDO." BAHACA WAS REPORTED BY GUATEMALAN  
MILITARY TO HAVE BEEN KILLED IN A MARCH 1992 CLASH  
BETWEEN GOVERNMENT AND GUERRILLA TROOPS NEAR  
RETALHULEU, AND TO HAVE BEEN BURIED IN THE RETALHULEU  
CEMETERY IN AN UNMARKED GRAVE.

3. FROM MARCH - JULY 1993 HARBURY SPOKE MANY TIMES  
WITH HUMAN RIGHTS OFFICER AND CONOFF CONCERNING PLANS  
TO REQUEST BAHACA'S EXHUMATION, AS SHE WAS  
UNCONVINCED THAT THE MAN BURIED IN RETALHULEU WAS  
REALLY BAHACA. SHE HAD INTERVIEWED EX-GUERRILLAS WHO  
CLAIMED TO HAVE RECENTLY SEEN BAHACA ALIVE IN A  
CLANDESTINE DETENTION CENTER IN GUATEMALA. ENDOFFS  
ADVISED HARBURY TO RETAIN PRIVATE LEGAL COUNSEL AND  
PROVIDED HER WITH INFORMATION ON HOW TO REQUEST

4. HARBURY CAME TO GUATEMALA ON JULY 8, 1993 AND  
RETAINED LIC. ANTONIO ARGUETA, A WELL-KNOWN HUMAN  
RIGHTS LAWYER, TO REPRESENT HER. LIC. REMBERTO  
LEONEL RUIZ BARRIENTOS, THE JUDGE IN THE SECOND COURT  
OF THE FIRST INSTANCE IN RETALHULEU, ORDERED THAT THE  
EXHUMATION TAKE PLACE ON AUG. 17, 1993 AND APPROVED  
HARBURY'S REQUEST TO BRING IN OUTSIDE FORENSIC  
EXPERTS. AT HARBURY'S REQUEST, CONOFF ATTENDED  
EXHUMATION.

5. THE EXHUMATION BEGAN AS SCHEDULED AT 8:30 A.M. IN  
HOT, STEAMY RETALHULEU CEMETERY. A FEW SCRAWNY PALM  
TREES PROVIDED THE ONLY BITS OF SHADE AROUND THE AREA  
DESIGNATED FOR "XX" UNIDENTIFIED PERSONS' BURIALS.  
THERE WERE REPORTEDLY FOUR BODIES BURIED IN THE XX  
PLOT. THERE ARE NO RECORDS TO MARK EXACT LOCATIONS  
OF BODIES, SO CEMETERY EMPLOYEE MADE HIS BEST GUESS  
AS TO THE LOCATION OF THE MARCH 1992 GRAVE CONTAINING  
THE BODY OF A GUERRILLA. IN ADDITION TO THE JUDGE

AND COURT OFFICIALS, DR. OSANDO DE LEON, THE  
UNCLASSIFIED

GOVERNMENT FORENSIC DOCTOR WHO HAD PERFORMED THE  
AUTOPSY ON THE GUERRILLA BODY IN MARCH 1992 ATTENDED  
THE EXHUMATION. ALSO PRESENT WERE OFFICIALS FROM THE  
PUBLIC MINISTRY, HUMAN RIGHTS OMBUDSMAN'S OFFICE AND  
SEVERAL INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS.  
REPRESENTATIVES FROM AT LEAST THREE GUATEMALAN  
NEWSPAPERS, A LOCAL RADIO STATION AND REUTERS NEWS  
"COMANDANTE EVERARDO"

AGENCY WERE ALSO PRESENT. THE PUBLIC MINISTRY  
REPRESENTATIVE FROM GUATEMALA CITY WAS ACCOMPANIED BY  
A VIDEO CAMERAMAN, WHO TAPED MOST OF THE DAY'S

PROCEEDINGS (AND KINDLY GAVE CONOFF A COPY OF THE  
VIDEO). IN TOTAL THERE WERE ABOUT 35 PEOPLE AT THE  
EXHUMATION SITE, NOT INCLUDING THE CROWD OF  
GUATEMALAN PASSERSBY, WHICH INCREASED AS THE DAY WORE  
ON. A HELICOPTER FLEW PERIODICALLY IN CIRCLES ABOVE  
THE CEMETERY. CONOFF COULD NOT MAKE OUT THE MARKINGS

ON THE HELICOPTER BUT THE HUMAN RIGHTS OMBUDSMAN'S  
OFFICE REPRESENTATIVE SAID THAT IT BELONGED TO THE  
MOBILE MILITARY POLICE (POLICIA MILITAR AMBULANTE).

6. THE INITIAL WORK OF REMOVING THE EARTH WENT  
QUICKLY, BUT ONCE THE WORKERS CAUGHT SIGHT OF THE  
PLASTIC BAG IN WHICH THE BODY WAS BURIED, THE  
FORENSIC TEAM BEGAN DIRECTING THE GRAVEDIGGERS AND

THE WORK SLOWED TO A PAINSTAKING PACE. THE FORENSIC

TEAM MEMBERS (TWO GERMANS, AN AMERICAN AND TWO  
GUATEMALANS) HAD BEEN TRAINED BY AMERICAN FORENSIC  
ANTHROPOLOGIST DR. CLYDE SHON, AND HAD CONSIDERABLE  
EXPERIENCE IN RECENT EXHUMATIONS OF CLANDESTINE  
COMMON GRAVES FROM THE EARLY 1980'S. MS. HARBURY HAD  
ALSO HIRED DR. MICHAEL CHARNEY, A DISTINGUISHED  
AMERICAN FORENSIC DOCTOR WHO HAS TESTIFIED IN MANY  
CRIMINAL CASES IN U.S. COURTS.

7. IT WAS SHORTLY AFTER 11:00 A.M. WHEN THE FIRST  
BONE FRAGMENTS IDENTIFIABLE TO THE UNTRAINED EYE WERE  
SIFTED FROM THE DIRT. WORK WAS SLOW AS THE FORENSIC  
TEAM USED SMALL BRUSHES AND COLANDERS TO SIFT THROUGH  
ALL THE DIRT SO AS NOT TO MISS ANYTHING OF

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SIGNIFICANCE. THE FIRST BODY UNCOVERED HAD PROBABLY  
BEEN BURIED FOR A LONG TIME, AS THERE WAS NO  
NOTICEABLE FLESH ON THE BONES AND, THANKFULLY, NO  
UNPLEASANT ODOR FROM THE GRAVE. UNFORTUNATELY,  
HOWEVER, A FEW HUNDRED FEET AWAY ANOTHER EXHUMATION  
WAS GOING ON. THIS ONE OF A BODY WHICH HAD ONLY BEEN  
DEAD A WEEK. THE SMELL WAS NAUSEATING AND THE WIND

SEEMED TO BLOW INCESSANTLY FROM THE NEW GRAVE TOWARDS  
THE GROUP GATHERED AROUND THE XX GRAVES. THE  
COMBINATION OF ODOR AND BLAZING SUN WAS ENOUGH TO  
CAUSE EVEN THE MOST STOIC AND EXPERIENCED JOURNALISTS  
TO BLANCH. CONOFF AND SEVERAL OTHER NON-SMOKERS  
QUICKLY DECIDED TO TRY LIGHTING UP AND FOUND THE  
SMELL OF CIGARETTE SMOKE A GREAT IMPROVEMENT OVER THE  
NATURAL ODOR PERMEATING THE CEMETERY.

8. AT ABOUT 11:30 A.M. THE SKULL WAS REMOVED AND  
PLACED IN A PLASTIC BISH. HARBURY EXAMINED THE SKULL  
AND DETERMINED THAT IT WAS NOT HER HUSBAND'S,  
PRINCIPALLY BECAUSE OF A METAL CROWN ON A FRONT  
TOOTH, WHICH HER HUSBAND DID NOT HAVE. NOT ONLY WAS  
THIS SKULL NOT BAHACA'S, IT WAS CLEAR THAT THIS WAS  
NOT THE BODY OF THE GUERRILLA WHICH HAD BEEN BURIED  
IN MARCH 1992. THE SKULL WAS INTACT AND DID NOT  
MATCH THE DESCRIPTION OF THE CRUSHED SKULL OF THE  
MARCH 1992 BODY GIVEN IN DR. OBANDO'S LEGAL FORENSIC  
REPORT. BECAUSE OF THE CLOSE SPACING OF THE XX  
GRAVES, THE WRONG BODY HAD BEEN EXHUMED.

9. AFTER CONSULTATION BETWEEN THE JUDGE AND THE  
CEMETERY WORKERS, THE GRAVEDIGGERS BEGAN WORKING ON A  
NEW EXCAVATION VERY CLOSE TO THE FIRST ONE. AT THAT  
POINT, CONOFF LEFT THE CEMETERY FOR ABOUT AN HOUR TO  
TELEPHONE EMBASSY AND FIND A COLD DRINK AND SOME  
TOWELS FOR PEOPLE TO USE TO COVER THEIR FACES AGAINST  
THE ODOR. WHEN CONOFF RETURNED AT ABOUT 12:45 P.M.,  
A SECOND BODY HAD JUST BEEN DUG UP. WORK WENT MUCH  
"COMANDANTE EVERARDO"

FASTER ON THIS GRAVE. UNFORTUNATELY, IT WAS ALSO NOT  
THE RIGHT BODY, AS IT HAD NO OLIVE GREEN UNIFORM.  
HARBURY ALSO EXAMINED THE SKULL ON THIS BODY AND  
STATED THAT IT HAD A TOOTH EXTRACTION WHICH HER  
HUSBAND DID NOT HAVE.

10. SPIRITS BEGAN TO LAG AS THE SECOND WRONG BODY  
WAS REPLACED IN ITS GRAVE, AND THERE WERE MUTTERINGS  
ABOUT GIVING UP THEN AND THERE. CONOFF HAD A CHANCE  
TO SPEAK TO JUDGE AND POINTED OUT THAT UNLESS ALL  
FOUR GRAVES IN THE XX PLOT WERE EXAMINED, THERE WOULD  
BE NO DEFINITIVE SOLUTION TO THE CASE. HARBURY AND  
HER LAWYER ALSO CONSULTED AT LENGTH WITH JUDGE. IN  
AN EFFORT TO MOVE THE PROCEEDINGS ALONG, TWO  
GROUPS OF MEN BEGAN OPENING THE REMAINING TWO XX  
GRAVES. TO EVERYONE'S RELIEF, THE THIRD GRAVE WHICH  
WAS OPENED CONTAINED THE BODY OF THE GUERRILLA BURIED  
IN MARCH 1992.

11. AS SOON AS IT WAS OBVIOUS THAT THERE WAS AN OLIVE  
GREEN UNIFORM ON TOP OF THE PLASTIC BODY BAG IN THE  
THIRD GRAVE, HOPES SOARED. THE UNIFORM WAS CAREFULLY  
LIFTED OUT AND ARRANGED ON A STRETCHER. THE UNIFORM  
WAS PLAIN OLIVE GREEN, AND APPEARED TO BE FOR A PERSON  
OF SLIGHT BUILD WHO WAS ABOUT 5 FEET TALL. CONOFF,  
WHO IS FIVE FOOT THREE INCHES TALL, NOTICED THAT THE  
UNIFORM WOULD HAVE FIT A PERSON SEVERAL INCHES SHORTER  
AND OF A MUCH SLIMMER BUILD THAN HERSELF. AFTER THE

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UNIFORM WAS LAID OUT, THE ENTIRE PLASTIC BODY BAG WAS  
CAREFULLY LIFTED OUT OF THE GRAVE. CONOFF WAS  
STANDING NEAR DR. OBANDO WHEN THIS HAPPENED AND HEARD  
HIM CONFIRM THAT THIS WAS THE MARCH 1992 BODY (HIS  
WORDS IN SPANISH WERE "ESO ES EL, ESO ES" AND SIMILAR  
PHRASES). THE CRUSHED SKULL AND THE UNIFORM MATCHED  
THE DESCRIPTIONS IN DR. OBANDO'S WRITTEN 1992 AUTOPSY  
REPORT ON THE BODY. THIS BODY HAD OBVIOUSLY BEEN  
BURIED FOR CONSIDERABLY LESS TIME THAN THE PREVIOUS

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TWO, AS IT HAD A STRONG ODOR.

12. AS DARK CLOUDS WERE GATHERING FOR AN AFTERNOON  
RAINSTORM, THE BODY IN ITS PLASTIC BAG WAS CARRIED  
INTO THE CEMETERY MORGUE. THE MORGUE IS A SIMPLE  
CEMENT BUILDING WITH A COUPLE OF TABLES, A SINK AND NO  
ELECTRICITY. A HOOKUP WAS MADE TO A PICKUP TRUCK  
BATTERY TO PROVIDE ELECTRICITY FOR A LANTERN. THE  
MORGUE WAS JAMMED WITH LOCAL PEOPLE (INCLUDING  
CHILDREN) BY THIS TIME AND THE SELL WAS REVOLTING.  
ALTHOUGH THE CROWD AND THE SMELL MADE IT DIFFICULT TO  
GET CLOSE TO THE TABLE, CONOFF COULD CLEARLY SEE DR.  
CHARNEY EXAMINING THE SKULL AND POINTING OUT FEATURES  
TO HARBURY. HARBURY AND DR. CHARNEY CONCLUDED THAT  
THE SKULL WAS NOT THAT OF EFRAIN BAHACA. THE TEETH ON  
THIS SKULL HAD UPPER FRONT CROWNS, AN UPPER  
EXTRACTION, AND NO LOWER EXTRACTION. BAHACA HAD NO  
UPPER EXTRACTIONS BUT DID HAVE A LOWER EXTRACTION.  
DR. CHARNEY ALSO CALCULATED THE BODY'S AGE AT DEATH AT  
BETWEEN 18-20 YEARS OLD, AS DETERMINED BY EXAMINATION  
OF THE PUBIC BONES. BAHACA WAS 35 YEARS OLD WHEN HE  
DISAPPEARED.

13. AT ABOUT 2:45 P.M., AS PEOPLE BEGAN MOVING  
OUTDOORS TO FLEE THE SMELL IN THE MORGUE, THE  
RAINCLOUDS BURST OPEN AND DRENCHED THE CROWD.  
OFFICIALS OF THE PUBLIC MINISTRY AND HUMAN RIGHTS  
OMBUDSMAN'S OFFICE, AS WELL AS THE JUDGE, LEFT AFTER  
CONFIRMING THAT THE BODY WAS NOT BAHACA. HARBURY AND  
HER LAWYER SUPERVISED THE CEMETERY WORKERS IN THE  
REINTERMENT OF THE YOUNG GUERRILLA'S BODY. QUOTE:

HARBURY ARRANGED FOR A PRIEST TO GIVE A BURIAL  
SERVICE FOR ALL THE GRAVES THE NEXT  
DAY. THE FIRST  
PRIORITY ON EVERYONE'S MINDS WAS DEFINITELY SHOWERS  
AND CLEAN CLOTHES.  
"COMANDANTE EVERARDO"

14. AS HARBURY WAS COMING OUT OF THE MORGUE, SHE  
SPOKE DIRECTLY TO CONOFF AND STATED THAT THE BODY WAS  
DEFINITELY NOT HER HUSBAND'S. DR. CHARNEY CONFIRMED  
THIS TO CONOFF IN SEPARATE CONVERSATION LATER THAT  
AFTERNOON AT HOTEL. BEFORE HEADING BACK TO THE CITY,  
CONOFF STOPPED IN TO TALK TO JUDGE AND TO THANK HIM  
FOR STICKING WITH THE EXHUMATION PROCEDURE UNTIL THE  
END. THE JUDGE, WHO HAD RECEIVED RECENT THREATS  
RELATED TO THE CASE, ASSURED CONOFF THAT THE CASE  
WOULD REMAIN OPEN UNTIL BAHACA IS IDENTIFIED.  
MINISTERIO PUBLICO OFFICIAL ALSO TOLD CONOFF THAT THE  
MP WOULD ALSO CONTINUE INVESTIGATING THE CASE, AND  
THE MP ISSUED A PRESS STATEMENT TO THIS EFFECT.

15. SEPTELS REPORT ON HARBURY'S MEETINGS WITH  
AMBASSADOR AND WITH COG OFFICIALS, AS WELL AS ON A  
HUNGER STRIKE SHE BEGAN SEPT. 7, 1993. HARBURY TOLD  
CONOFF SEPT. 4 THAT SHE PLANS TO RETURN TO THE U.S.  
BEFORE THE END OF SEPTEMBER TO CONTINUE TO PUBLICIZE  
HER CASE BEFORE THE OAS, THE UN AND OTHER  
INTERNATIONAL FORA. ABOVE DETAILED DESCRIPTION OF

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UDDS 001849

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*Department of State*

INCOMING  
TELEGRAM

PAGE 83 OF 83 CUATEN 18348 88 OF 84 141551Z  
THE EVENTS OF AUGUST 17, 1993 IS INTENDED TO PROVIDE  
DEPARTMENT WITH INFORMATION TO ANSWER ANY QUESTIONS  
WHICH MAY ARISE IN THE FUTURE ABOUT THE EXHUMATION.

SHR7136

16. SENATOR PHIL GRAMM WROTE TO AMBASSADOR IN EARLY  
JULY TO EXPRESS INTEREST IN THIS CASE. IN MARCH OF  
THIS YEAR, 32 U.S. CONGRESSMAN WROTE TO THEN  
PRESIDENT SERRANO EXPRESSING CONCERN ABOUT THE  
WHEREABOUTS OF EFRAIN BAHACA VELASQUEZ. KEANE

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VDOS 001850

GUATEMALA PROJECT  
92 Harbury  
ARA/LEN  
ARA (2 of 3)

OUTGOING TELEGRAM 5.3

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E3532

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ARA/CEN:C D HERRINGTON:CDH  
11/02/93 X73559 SEARALG 018694 93 ARA1 06541  
ARA:A W PATTERSON

ARA/CEN:M E RANNEBERGER, HA:K LYONS, ARA/USOAS:D E LINDWALL,  
L/ARA:A WEINER, IO/UNP:W W MCILHENNY

ROUTINE GUATEMALA

ROUTINE GENEVA

State 33 97 83  
8 Nov 93

E.O. 12356: DECL: 11/02/95

TAGS: GT, PHUM, MARR, PGOV, PREL

SUBJECT: GUATEMALA HUMAN RIGHTS - HARBURY MEETINGS WITH  
DEPARTMENT  
REF: (A) 93 GUATEMALA 10348

-----  
1. (U) SUMMARY  
-----

JENNIFER HARBURY CALLED ON ARA DAS PATTERSON AND HA AS SHATTUCK IN SEPARATE MEETINGS ON OCTOBER 21 AND 22. HARBURY, AFTER REVIEWING THE HISTORY OF THE CASE INVOLVING THE DISAPPEARANCE OF HER HUSBAND EFRAIN BAMACA IN MARCH 1992, INFORMED BOTH PATTERSON AND SHATTUCK THAT THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) ON OCTOBER 15 REQUESTED THE GOG TO TAKE MEASURES TO AVOID HARM TO ANY PERSONS IT MIGHT HAVE IN CLANDESTINE DETENTION CENTERS, AND TO INVESTIGATE THE ALLEGATIONS REGARDING BAMACA'S DISAPPEARANCE. PATTERSON BRIEFED HARBURY ON THE KEY ROLE OF HUMAN RIGHTS ISSUES IN USG GUATEMALA POLICY AND OUR OPPOSITION TO USE OF SECRET DETENTION FACILITIES. SHATTUCK ASSURED HER OF CONTINUED US SUPPORT IN URGING THE GOG AUTHORITIES TO INVESTIGATE THE CASE. END SUMMARY.

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Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/02/95  
Case ID: 95122290

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2. (U) MEETINGS WITH DEPARTMENT  
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JENNIFER HARBURY, THE AMERICAN CITIZEN COMMON LAW WIFE OF EFRAIN BAMACA VELASQUEZ, AKA "COMANDANTE EVERARDO," MET OCTOBER 21 WITH ARA DAS ANNE PATTERSON AND OCTOBER 22 WITH HA AS JOHN SHATTUCK. DESK OFFICER SAT IN. HARBURY REQUESTED THE APPOINTMENTS TO COMPLEMENT HER CONTACTS IN GUATEMALA WITH THE AMBASSADOR AND OTHER EMBASSY OFFICIALS. HARBURY STATED THAT SHE WILL BE BASED IN WASHINGTON IN COMING MONTHS AS SHE PURSUES HER COMPLAINT BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) AND OTHER EFFORTS TO FIND HER HUSBAND.

-----  
3. (U) CASE RECOUNTED  
-----

HARBURY REVIEWED THE NATURE OF HER RELATIONSHIP WITH BAMACA AND HIS DISAPPEARANCE ON MARCH 12, 1992 (AS REPORTED BY EMBASSY IN REF A AND PREVIOUS). SHE RECOUNTED THE TESTIMONY OF URNG PRISONERS WHO SAID THEY SAW BAMACA ALIVE IN MARCH AND JULY, 1992, IN SECRET ARMY DETENTION CENTERS. HARBURY STATED THAT 36 URNG PRISONERS HAVE BEEN SIGHTED ALIVE IN DIFFERENT PLACES AT DIFFERENT TIMES. HARBURY ALSO DESCRIBED THE EXHUMATIONS IN RETALHULEU OF A GUERRILLA WHO THE MILITARY HAD SAID WOULD BE BAMACA, BUT WASN'T. HARBURY, NOTING ARMY STATEMENTS THAT HER HUSBAND HAD SHOT HIMSELF IN THE MOUTH TO AVOID CAPTURE, SAID THE BODY EXHUMED IN RETALHULEU HAD A CRANIUM SMASHED BY RIFLE BUTTS, NOT A BULLET.

-----  
4. (U) BELIEVES BAMACA ALIVE  
-----

PATTERSON REVIEWED WITH HARBURY THE STRONG USG SUPPORT FOR IMPROVED RESPECT FOR HUMAN RIGHTS IN GUATEMALA AND OUR OPPOSITION TO THE USE BY ANY GROUP OF SECRET DETENTION CENTERS FOR CAPTIVES. REFERRING TO THE DATE OF THE LAST REPORTED CITING OF BAMACA IN JULY 1992, PATTERSON ASKED HARBURY IF SHE BELIEVES BAMACA IS STILL ALIVE. HARBURY RESPONDED AFFIRMATIVELY. SHE BASED HER BELIEF ON A REPORTED ARMY POLICY OF EXPLOITING ALL URNG CAPTIVES FOR THEIR INTELLIGENCE VALUE. SHE PLACED GREAT EMPHASIS ON BAMACA'S 17 YEARS OF EXPERIENCE IN THE URNG AND HIS CLOSE TIES TO ORPA LEADER RODRIGO ASTURIAS.

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BAMACA, SHE CONCLUDED, KNOWS TOO MUCH OF INTEREST TO THE ARMY TO BE SUMMARILY EXECUTED.

-----  
5. (U) IACHR ASKS GOG TO PROTECT ANY SECRET PRISONERS  
-----

IN BOTH MEETINGS, HARBURY RAISED THE COMPLAINT SHE HAD FILED BEFORE THE IACHR IN MARCH 1993. THE IACHR ON OCTOBER 15 WROTE TO GOG FOMMIN FAJARDO TO REQUEST THAT THE GOG TAKE PRECAUTIONS TO PROTECT THE LIVES OF ANY URNG OR OTHER PRISONERS THAT MIGHT BE HELD IN SECRET DETENTION CENTERS, AND TO INVESTIGATE ALL ALLEGATIONS REGARDING SUCH CASES. HARBURY GAVE PATTERSON AND SHATTUCK COPIES OF THE IACHR LETTER, WHICH RECOMMENDS THAT THE GOG:

- INFORM ALL CIVIL AND MILITARY AUTHORITIES OF THE NATURE OF THEIR OBLIGATIONS WHEN TAKING GUERRILLAS OR OTHER PERSONS PRISONER;
- IMPLEMENT MECHANISMS TO TRACK COMBAT ACTIONS AND CONTROL OF PRISONERS PURSUANT TO GUATEMALA'S INTERNATIONAL AND DOMESTIC LEGAL OBLIGATIONS;
- UNDERTAKE SERIOUS AND EFFECTIVE INVESTIGATION OF THE CASES MENTIONED IN HARBURY'S COMPLAINT, INCLUDING INTERROGATION OF WITNESSES MENTIONED, USING INDEPENDENT EXPERTS TO GUARANTEE IMPARTIALITY;
- INVESTIGATE THE SPECIFIC ALLEGATIONS OF PLACES USED AS SECRET DETENTION CENTERS;
- IMMEDIATELY TURN OVER TO LEGAL AUTHORITIES ANYONE FOUND TO BE IMPRISONED IN AN EXTRA-JUDICIAL MANNER;
- PROVIDE TO ANY SUCH-PRISONERS LEGAL ADVICE TO ASSIST THEM MAKE AN INFORMED VOLUNTARY DECISION ON WHAT STEPS TO TAKE NEXT.

-----  
6. (C) UNHRC  
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PATTERSON AND HARBURY THEN REVIEWED OTHER OPTIONS AVAILABLE TO HARBURY. PATTERSON, NOTING THAT HARBURY'S COMPLAINT HAS ALREADY BEEN DRAFTED, SUGGESTED THAT SHE FILE IT IN GENEVA WITH THE UNHRC. HARBURY WAS INTERESTED

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U D O S 001888 -

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IN THAT SUGGESTION AND UNDERTOOK TO CONSIDER IT.

-----  
7. (U) USG POLICY  
-----

THE MEETING CONCLUDED WITH PATTERSON REVIEWING, IN SOME  
DETAIL, USG POLICY TOWARD GUATEMALA AND THE MANNER IN  
WHICH WE SEEK TO PROMOTE IMPROVED RESPECT FOR HUMAN  
RIGHTS. SHATTUCK, IN DRAWING HIS MEETING TO A CLOSE,  
ASSURED HARBURY THAT SHE WOULD CONTINUE TO HAVE FULL US  
SUPPORT IN URGING THE GOG TO CONDUCT A FULL INVESTIGATION  
OF THE CASE.

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RELEASED IN PART

B6

United States Department of State

Washington, D.C. 20520

E3540

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NOV - 9 1993

Dear Senator Brown:

Thank you for your letter of October 12 informing us of the concerns of your constituent [redacted] regarding the whereabouts of Efraim Bamaca Velasquez. B6

Mr. Efraim Bamaca Velasquez, a top field Commander of the Guatemala National Revolutionary Unity (URNG), and believed to be personally close to Guerilla leader Rodrigo Asturias (aka "Gaspar Ilom"), disappeared after a March 12, 1992 clash with an Army unit near Retalhuleu. Shortly thereafter, the URNG made discreet inquiries concerning his whereabouts and learned he reportedly had been buried after the clash in an anonymous grave nearby. In February 1993, two URNG guerillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerillas claimed to have seen Mr. Bamaca in March and July, 1992.

The Office of the Human Rights Ombudsman assisted with exhumation arrangements last year, but then-Attorney General Acisclo Valladares appeared at the scene and suspended proceedings, allegedly because there was no way to identify the exhumed body. Ms. Jennifer Harbury, wife of Mr. Bamaca, contacted the Embassy on March 9, to request assistance in determining Mr. Bamaca's whereabouts.

On August 17, a U.S. forensic expert and a Guatemalan forensic team participated in the exhumation of the grave in Retalhuleu. M. Harbury, a representative of the U.S. Consular Section of the US Embassy in Guatemala, and international human rights observers were also present. Following an exhaustive effort, all present concluded that the body in the grave was not that of Efraim Bamaca Velasquez. Our embassy has been assured by Guatemalan authorities that Mr. Bamaca's case will remain open until he is found.

The Honorable  
Hank Brown,  
United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/02/95  
Case ID: 95122290

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-2-

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that America's Watch recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Bamaca.

As you know, Guatemala's constitutional crisis was resolved with the election by the Guatemalan Congress of highly respected former Human Rights Ombudsman Ramiro de Leon Carpio as President on June 6. We believe that President de Leon represents the best hope in a generation of realizing fundamental change in the political culture of Guatemala. We will continue to support President de Leon's efforts to improve the human rights situation in his country.

I hope that this information has been of help in responding to your constituent. Please contact me if I can be of further assistance.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure:  
Correspondence returned

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Drafted: ARA/CEN: JConnerley  
SEARAELG 18737 11/05/93 x73330

Cleared: ARA/CEN: MRanneberger  
: ARA/CEN: CHerrington  
: HA: KLyons

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United States Department of State

Washington, D.C. 20520

E3576

DEC 15 1993

Dear Senator Bond:

I am writing in response to your letter of November 23 on behalf of your constituent, Robert Evans.

As you requested, the Department has replied directly to Mr. Evans. A copy of that response is enclosed for your information.

I hope this information is helpful in responding to your constituent's concerns. If you need further assistance on this or any other matter, please let us know.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosures: 1. Copy of reply to Mr. Evans  
2. Correspondence returned

The Honorable  
Christopher Bond,  
United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/04/95  
Case ID: 95122291

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93 Harbury  
ARA/LEN  
ARA (2 of 3)

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E3587

United States Department of State

Assistant Secretary of State  
Bureau of Inter-American Affairs

Washington, D.C. 20520-6258

RELEASED

December 20, 1993

The Honorable Edmond Mulet  
Ambassador of Guatemala to the United States  
Embassy of Guatemala  
2220 R St., NW  
Washington, D.C. 20008  
FAX: (202)745-1908

Dear Edmund:

Thank you very much for sharing the draft letter from President De Leon to President Clinton. The Bureau very much appreciates your and Minister Aitkenhead's responsiveness to the concerns of Senator Leahy's staff on human rights.

We have carefully reviewed the letter and believe that it will satisfy some of the Senator's concerns. As we understand the content of your discussion with the Senator's staff, however, you and the Minister raised the possibility of a secret ballot process to verify the voluntary nature of the Civil Action Patrols and suggested that the President might invite international observation of this process. There is thus an expectation on the part of the Senator's staff that the President would make some statement to that effect in the letter. Its absence is therefore noticeable.

The Embassy may also have advised you that Washington Post columnist Colman McCarthy wrote an article on Saturday that was very unfair both to Guatemala and to recent U.S. policy. The article was based on Mr. McCarthy's conversation with Jennifer Harbury. Unfair though it is, this article will reinforce Senator Leahy's concern to raise human rights issues in the context of the release of the \$10 million.

I hope that these reactions to your draft will help you and President de Leon as you review the preparation of the final version of the letter.

With best wishes for the holiday season,

Warm regards,

*Joe R. Hamilton*

for Richard A. Nuccio  
Senior Policy Advisor

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/04/95  
Case ID: 95122292

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CHGE/ADCM/POL:

The document that President de Leon passed to President Clinton in Miami is deposition of a guerrilla named "Karina," who was captured along with Santi Cabrera Lopez, the guerrilla who says he saw Bamaca in detention. As Gerri Chester said, it's a pretty stupid document, in that it portrays the army as nobly protecting captured guerrillas and denounces Jennifer Harbury. Here's summary (actually, it's most of it, just omitting things like her cedula #, etc).

"Dec. 5, 1994, 5 pm, office of Guat. Attorney General -- I, Anastacia Lopez Calvo, age 33, of my own free will make this deposition as part of the proc to investigate the disappearance of Efraim Bamaca Velasquez. I came from a poor family and joined the guerrillas after being lured by the false promise of a friend who said I would earn money, learn things, and get land for my family. I joined in 1989 and was with ORPA until my capture in March 1991. I was sexually abused by some guerrillas, did not get more money and land, no one cared about me. I voluntarily turned myself in to the military, as Santiago Cabrera Lopez, because we were tired of risking our lives for nothing and no one was benefitting from the struggle.

The army gave us food, a place to sleep and new clothes. The commander told not to worry, we were welcome, they were there to serve us, and we could stay if we wanted to. We agreed because we feared that our guerrilla friends who kill us just like they had done with others who had not wanted to stay with the guerrillas.

I have been in Military Zone 18 since then. I have been treated well. Car (Santiago Cabrera Lopez) was also treated well and worked as a messenger; we both voluntarily joined the army to lead a normal and peaceful life.

I have seen a lot in the media about the woman from the U.S. who says she is the wife of Bamaca, who was allegedly captured and taken to Military Zone 1. This is absolutely false. That is why I want to state this is a lie, because these people only abuse us poor people to make money and they deceive us with false promises. I saw Bamaca frequently while I was a guerrilla and knew him well; I would have recognized him if he had been in army detention but I never saw him alive or dead nor ever heard that he was a prisoner.

I never personally saw the woman from the U.S. who said she is Bamaca's wife; they only had a big photograph of her up in the mountains and members of our front were told that this woman from the U.S. was our ally and collaborator and that we should not worry if we see her because she was one of ours. It is a lie that she is Everardo's wife because he lived with another woman whose alias was Victoria. They slept together and I saw them embrace and kiss.

I am doing this deposition because it is the truth and because it bothers me that a woman from the U.S. who has never lived in my country, lies, would want to harm us."

I guess we can look on the bright side: at least they're interviewing people mentioned in Santiago Cabrera Lopez's testimony.... Sigh.

CC: Mary Curtin (Mary -- I have a hard copy for you and will give it to Catherine Kay at lunch)

*do not release*  
*Classified*

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AMEMBASSY GUATEMALA  
POLITICAL SECTION

*FOIA & PA*

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Office of FOI, Privacy, & Classification Review  
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Date: 08/04/96  
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Guatemala:

Banqa/Harbury  
1043

A26

THE NEW YORK TIMES EDITORIALS

# The New York Times

Founded in 1851

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## Guatemala: Change the Message

For 40 years Guatemala has endured a civil war that, like many Central American conflicts, has been part cold-war proxy battle, part genuine social revolution, marked by disappearances, extrajudicial killings, torture, secret prisons and impunity for hideous human rights abuses. As in other such conflicts, the United States' intelligence services have played a highly questionable role.

No one knows how many innocent Guatemalans have been killed in this bloody conflict. But now U.S. attention is focused on one of its victims, a guerrilla who married an articulate American lawyer. Jennifer Harbury is determined to force the Guatemalan military to produce her husband, dead or alive.

Ms. Harbury married the guerrilla leader, Efraín Bámaca Velásquez, in 1991. In 1992 the Guatemalan Army reported that he had shot himself rather than be taken prisoner. Later, two people claimed to have seen him alive. The army offered to exhume his body; the corpse they produced was not his.

On Oct. 11, Ms. Harbury began a hunger strike in Guatemala City, saying she would remain on a liquid diet until the army produced her husband. The army again offered to produce his body, then postponed the exhumation.

Ms. Harbury is doing what most Guatemalans cannot do: defying the military and challenging the Government to produce the man they say is dead.

In this endeavor she deserves the public support of the U.S. Ambassador, Marilyn Macaffé, who has been shamefully silent. The State Department, for its part, has been frozen in place for fear of putting President Ramiro de León Carpio, a former

human rights prosecutor, on the spot with the army. Like civilian presidents before him, he has limited power over a brutal and entrenched military.

In her last meeting with the Guatemalan Defense Minister, Ms. Harbury says she was told her husband was hiding out or was on a secret mission he had not told his wife about. Now the Guatemalan Government has offered another exhumation of another body they say is her husband's. It has announced a special investigation, about which Ms. Harbury is understandably skeptical.

Richard Nuccio, a State Department official who talked to Guatemalan officials about the case in October, believed their version of events over Ms. Harbury's. The State Department needs to change its attitude toward this case. The Guatemalan Defense Ministry represents a brutal military culture that is trying to cover its tracks in the hope that the Harbury embarrassment will fade away. Ms. Harbury is clearly the more credible actor here and deserves better from her own Government.

Most victims of the Guatemalan military — mainly poor Indians — have been innocent actors in a genocidal war that has been encouraged or tolerated by the Central Intelligence Agency. The agency's Congressional monitors must demand that the C.I.A. send different signals to Guatemala's lawless military commanders.

Ms. Harbury's brave stand sheds light on a military culture that has made life miserable for ordinary Guatemalans. Unfortunately, any change is likely to take a long time. As peace becomes the norm throughout Central America, Guatemala remains a deadly exception.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/04/96  
Case ID: 95122293

0005 001925

Derechos Humanos, Jorge Mario Oreña Laguardia, la búsqueda de Bámaca, que se efectuaría a través del Procedimiento Especial de Averiguación, señalado por el artículo 467 del nuevo Código Procesal Penal, tras haberse declarado sin lugar el recurso de exhibición personal interpuesto meses atrás.

Dicho artículo reza que: "Si se hubiere interpuesto un recurso de exhibición personal, sin hallar a la persona a cuyo favor se solicitó y existieran motivos de sospecha suficientes para afirmar que ella ha sido detenida o mantenida ilegalmente en detención por un funcionario público, por miembros de las fuerzas de seguridad del Estado, o por agentes regulares o irregulares, sin que se dé razón de su paradero, la Corte Suprema de Justicia, a solicitud de cualquier persona podrá:

- 1) Intimar al Ministerio Público para que en el plazo máximo de cinco días informe al tribunal sobre el progreso y resultado de la investigación, sobre las medidas practicadas y requeridas, y sobre las que aún están pendientes de realización. 2) Encargar la averiguación (procedimiento preparatorio), en orden excluyente: a) Al Procurador de los Derechos Humanos. b) A una entidad o



Jennifer Harbury, esposa de Efraín Bámaca Velásquez, el Comandante Everardo de la guerrilla, compareció hoy a una audiencia ante la Corte Suprema de Justicia, como parte de las acciones legales que emprende para localizar a su esposo.

testimonial, por la solicitud o denuncia promovida por el Procurador General de la Nación, Acisclo Valledares Molina, para esclarecer el paradero de su esposo, Efraín Bámaca Velásquez, Comandante Everardo, de la guerrilla.

La citación le fue cursada por el Agente Especial del Ministe-

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PE9 Willingham

Harbury - Press Clips

Spanish  
ARA-2043

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Review Authority: MOSKOWITZ, SAM  
Date: 08/04/96  
Case ID: 95122293

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UNCLASSIFIED

E3616

Wednesday, October 26

2306 -- Arrival from Mexico on American Air flt. 877. Met by car and expediter. Transfer to residence.

RELEASED

Thursday, October 27

- 0800 -- In-house breakfast on the peace process hosted by Ambassador. Attendees: DCM, George, Len, Gerri, Col. Keller, Bambi Arellano.
- 0900 -- In-house meeting at Residence on Harbury case. ConGen Chuck Keil, CONOFF Carolyn Gorman, USIS Dave Hamill and PolOff John Cushing to join.
- 1000 -- Peace Commission at National Palace. Ambassador and Len to accompany. COPAZ phones: 51-62-01, 51-62-52, 51-57-73.
- 1100 -- Possible time to see Jennifer Harbury. Cellular 082-3463.
- 1230 -- Tentative meeting with the President at Casa Presidencial. Ambassador and Len to accompany.
- 1330 -- Lunch with Civil Sectors, Business and Political reps at the Residence. Guest list to be provided.
- 1530 -- Frank LaRue at the Residence. Phones: 51-65-78 (office), 68-00-21 (home).
- 1600 -- MOD Enriquez at Casa Crema. Ambassador and Col. Keller to accompany.
- 1700 -- MINUGUA Acting Head Fernando Castanon at the Hotel Radisson (Villa Magna). 1a Ave., 12-46, Zona 10. Room 502/503. (Phone: 32-97-97, ext. 361/362.) Ambassador and PolCouns Chester to accompany.
- 1745 -- Drinks with the Friends at the Residence. Guest list to be provided.

Friday, October 28

- 0745 -- Depart Residence for airport.
- 0915 -- Wheels up on American Air flt 2188.

Note: Alfredo Forti, who works at MINUGUA now and was formerly with the CIP in Washington, would also like to see you. Can be reached at 32-97-80 (a MINUGUA number) or in his room (no. 1001) at the hotel (PBX: 32-97-97)

*Kristin Bady - Jennifer*  
*B-day*

*Guatemala*  
*ARA Front Office*  
*Spec. Asst.*  
*ARA 1023*

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/04/96  
Case ID: 95122293

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RELEASED

E3617

United States Department of State

Washington, D.C. 20520

CONFIDENTIAL  
DECL:OADR

MEMORANDUM FOR ANTHONY LAKE  
THE WHITE HOUSE

Subject: Meeting with Guatemalan Foreign Minister  
Maritza de Vielman

Guatemalan Foreign Minister Maritza de Vielman is seeking an appointment with you to discuss the Guatemalan peace process as it relates to the case of the disappearance of Guatemalan guerrilla Efraim Bamaca.

Ending Central America's longest-running internal conflict is one of our major objectives in the region. The United States, one of six official "Friends" of the Guatemalan peace process, has actively supported UN-mediated talks between the GOG and guerrillas. We believe that our access to both parties and their confidence in our neutrality have played a crucial role in moving the peace talks forward since January. Foreign Minister de Vielman, like President de Leon, seeks USG reassurance that our emphasis on the Bamaca case is not evidence of a change in that neutrality. We request that you agree to meet with de Vielman at your convenience during her visit to Washington on December 6 or 7.

Kenneth C. Brill  
Executive Secretary

GUATEMALA  
ARA/ED-Peg Wittingham  
Memos, Harbury E-  
Mail  
2 of 3 (ARA)

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United States Department of State  
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Peg: Katherine Porter has asked that we pass the following to Vice President Gore.

E3625

Katherine Porter to Vice President Gore

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"I have been in Guatemala attending the exhumation of the alleged remains of URNG commander Efraim Bamaca Velasquez, husband of American citizen, Jennifer Harbury. I feel very strongly that if Jennifer doesn't have a reason to come to Washington, she will continue her hunger strike indefinitely, and I think her condition is going way downhill. I think it would be nice if you would send her an invitation to go to Washington and meet with you.

I will be at the Ritz Continental in Guatemala City tonight and will leave tomorrow for Sea Island, Georgia to meet my husband. The other members of the delegation will hold a press conference upon their return to the US."

GUATEMALA  
ARA (Cen - Peg Willingham)  
Memos, Harburg Email  
2 of 3 (ARA)

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Harbury/Bamaca Case: Supporting MINUGUA

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The United Nations Verification Mission in Guatemala (MINUGUA) provides the U.S. and the international community an instrument of substantial potential to bring about an improved human rights performance in Guatemala. It was established pursuant to the March 29, 1994 human rights accord between the Government of Guatemala and the URNG -- the second of four substantive accords the negotiating parties have reached this year. It was given an initial six-month mandate when it was established by a September UNGA resolution (not the Security Council -- to avoid creating a new peacekeeping mission) and was officially inaugurated November 21. MINUGUA has a mandate like ONUSAL's in El Salvador -- to monitor URNG and GOG compliance with their human rights commitments. It obtained from the GOG ample authority to do that, including the right to unannounced visits anywhere in the country. It also obtained authority to provide support to human rights-related institutions. Its Director, Leonardo Franco, made a terrific speech at its installation -- speaking of the need to stop "impunity" throughout Guatemala.

We were a strong backer of getting MINUGUA established but it is going to continue to need our support -- both in New York and in Guatemala. In New York Marrack Goulding has given it strong support but Alvaro de Soto has argued that MINUGUA will be caught between parties still in conflict. As early as next week, MINUGUA goes back to the UN's budget committee for additional support. Our support for it will be critical when its six-month mandate is up for renewal in March.

Political support will also be critical in Guatemala (as our support for ONUSAL has on occasion been in El Salvador). A certain level of tension and conflict between MINUGUA on the one hand and the GOG and military on the other is inevitable. The Embassy already has a strong relationship of confidence with MINUGUA. But we need to find ways to signal support from Washington: inserting favorable mention of MINUGUA in policy speeches on Latin America would be one such step. In that vein, the President's scene-setter speech in Miami might/might afford such an opportunity. We should look for others.

MINUGUA has asked the U.S. to provide up to 20 active duty, Spanish-speaking police with criminal investigative skills for detail to MINUGUA. We are in the process now of contracting for about a dozen police monitors; to fund their participation, we intend to draw upon the small (\$4.6 million) Guatemala Peace Fund we established in September from frozen military assistance.

GUATEMALA  
ARA/LEA-Peg Williamson  
Marco, Harbury E-Mail  
2 of 3 (ARA)

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We should cooperate, within the limits imposed by protecting sources and methods, with MINUGUA's support of the Bamaca investigation by providing as much information about the case as possible. Since October, our ambassador has discussed the Bamaca case three times with Mission chief Franco. In addition, President de Leon has also appealed to MINUGUA for help. This past week, MINUGUA personnel visited military bases to gather information in connection with the Bamaca case.

Finally, we need to urge Jennifer Harbury to provide MINUGUA with the information she has as well. The Embassy has asked her to do this but she has not done so as yet.

The URNG and GOG reached an accord in June to establish a truth commission, called a Historical Clarification Commission, to begin work after a final accord is signed. The three-member commission, which will have two as-yet unnamed Guatemalan members and one international member, will examine abuses committed by both sides during the thirty-four years of the conflict. Their mandate is for six months, renewable for an additional six months. The commission will not name names of perpetrators of past human rights violations and its findings will not have judicial effect. Since the commission will not be established until after a final peace agreement is signed, it does not yet have a role to play in the Bamaca case.

Regarding UN views on cooperation between the U.S. military and the Guatemalan armed forces, UN personnel involved in mediating the peace talks have told us repeatedly that they view a strong relationship with the Guatemalan military as one of the principal assets that the Friends of the peace process, including the U.S., have to offer. They have urged that we maintain and increase contacts with the Guatemalan military at all levels, not just at the command level, and have offered to brief Congressional staffers and NGOs on the contribution that such a relationship can make to the peace process. We are interested in this possibility but circumstances and scheduling have so far not permitted us to do so.

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E3428

Talking Points: Harbury/BamacaUSG Assistance to Harbury

- o We have provided and continue to provide Jennifer Harbury with extensive assistance in her search for information about her husband, Guatemalan guerrilla leader Efraim Bamaca, since she requested our help in March 1993.
- o In addition to raising the Bamaca case with the Guatemalan government as soon as Ms. Harbury raised it with us, our embassy has repeatedly encouraged Guatemalan officials to meet and cooperate with Ms. Harbury.
- o We facilitated the exhumation of a grave in August 1993, to determine if it contained her husband's remains, and an embassy officer accompanied Ms. Harbury as a witness to the exhumation. Those remains were identified as not belonging to her husband.
- o Senior officials of the State Department -- Assistant Secretary for Democracy, Human Rights and Labor John Shattuck, ARA Senior Adviser Rick Nuccio, U.S. Ambassador to the UN Human Rights Commission Geraldine Ferraro, and myself -- have each met one or more times with Ms. Harbury. Additionally, Ambassador McAfee has met some ten or more times with Ms. Harbury.

We have repeatedly and forcefully raised our concerns about this case directly with senior Guatemalan officials including, among others, the President, the Minister of Defense, the Minister of Foreign Affairs, the Attorney General, and the Guatemalan ambassador here in Washington.

- o State Department officials (Guatemala desk officer and DRL officers) have also met with Santiago Cabrera Lopez, who claims to have seen Bamaca in army custody in March and July 1992.
- o Since Ms. Harbury began her hunger strike on October 11, Ambassador McAfee has met with her personally on at least seven occasions. Embassy officers visit Ms. Harbury daily, and we have made clear to the Guatemalan government that the United States expects that government to ensure her physical security.
- o The embassy successfully intervened with the Guatemalan government to postpone an exhumation of remains that might be Bamaca's; to allow Ms. Harbury to arrange for the participation of forensic specialists of her choosing.
- o The Ambassador and her staff have also met with several groups of Ms. Harbury's supporters, including on a holiday, and sent an embassy car to pick up one of Ms. Harbury's supporters at the airport and to drive him to the town where the exhumation was originally to have taken place.
- o Embassy staff and I have also spoken on several occasions with Ms. Harbury's family.

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## GOG Actions

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- o We welcome President de Leon's October 27 announcement of a special investigation of the Bamaca case, his naming of a coordinator to head the investigation, the issuance of a new writ of habeas corpus, and the judicial proceedings to locate Bamaca now underway. We hope that these measures will lead to the resolution of this case.
- o We are aware that Ms. Harbury does not believe any GOG investigation will be credible. However, the new investigation should be given time, although not too much time, to show results.

### (IF ASKED)

- o We have heard from some of Ms. Harbury's associates that they believe her questioning by GOG authorities last Thursday and the decision to interview Bamaca's father and sister constitute "psychological torture." Embassy officials were not present at either session. However, the GOG has told us that any investigation necessarily entails questioning the parties involved.

## Intelligence Information on Bamaca's Fate

- o As you know, we are not able to discuss intelligence with private citizens.
- o Within that constraint, we have been as forthcoming with Ms. Harbury as possible and have gone to extraordinary lengths to give her assistance.
- o As we told "60 Minutes," we received inconclusive information from third-party sources that suggested that Bamaca may have been captured by the Guatemalan army rather than having died in combat, and that he may have been alive in their custody in 1992.
- o We do not know if Bamaca is alive or dead and we have never had any indication that he was living at any time after we became involved in this case. However, it does not seem likely that he remains alive.
- o Nevertheless, and in the absence of solid evidence one way or the other, we have assumed throughout that he could still be alive, and we have acted accordingly, pressing the Guatemalan government persistently and at the highest levels for a full accounting.

### (IF ASKED)

- o We did not bring the May 1993 information to the GOG's attention because we did not believe it gave us a sufficiently concrete basis to do so. However, we had already approached the GOG about the case at that time and have continued to do so.

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## Next Steps

- o Our chief foreign policy goals in Guatemala are strengthening democracy and promoting respect for human rights. We take several approaches to tackle this challenge, including strengthening existing human rights and judicial institutions and focusing on individual cases.
- o On the Bamaca case, in addition to the steps already described, we have already approached the recently-established UN Verification Mission in Guatemala (MINUGUA) to encourage them to participate as far as their mandate allows in resolving this and other human rights cases.
- o We have also urged President de Leon to press the army for a full accounting on the basis of information available to us from various sources.
- o We are aware of calls to end aid to and trade with Guatemala. As you know, we cut off military aid four years ago on human rights grounds; our relatively modest development aid goes for basic human needs. Cutting off aid would hurt Guatemala's poorest citizens and would probably engender a backlash against the USG that would do little or nothing to further the investigation of Bamaca's fate.
- o As you know, Guatemala's enjoyment of GSP benefits has been under review for over a year because of concerns about worker rights.
- o As for NAFTA membership, Guatemala is quite far from achieving that status.

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B1,A3,A5

Ambasssador Cowal delivered the demarche on MINUGUA support for investigating the Bamaca and other disappearances to Gilberto Schlittler (UN Office Director for Latin America, Political Affairs), Jean Arnault (Moderator in the peace process) and Denise Cook (desk officer, MINUGUA) on October 31. [REDACTED]

B1

Schlittler said Castanon had spoken to the press that morning indicating MINUGUA's willingness to engage, although only after it opened shop. Cowal urged MINUGUA not to allow itself to be perceived as bogged down in administrative details and unresponsive to the situation at hand. At Schlittler's suggestion, we set up an appointment with MINUGUA head Franco on Nov. 3 to follow up.

On November 1, Amb. Cowal briefed the friends on the situation and the meeting with the UN. The [REDACTED] were at first leery, referring to reporting from their embassy in Guatemala which was concerned that the US was asking MINUGUA to do more than it could and was concerned with micromanaging the investigation of the Bamaca case. Drawing from the instructions, Amb. Cowal said that the US hoped to use this case to support de Leon in his quest to investigate not only individual disappearances but also the question of clandestine prisons. [REDACTED] volunteered to speak with Franco, arriving in New York Nov 1 evening, to set up a briefing for the group. He suggested that the Friends might inquire at that meeting what MINUGUA was doing to respond to De Leon's request for their help.

B1

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*Guatemala*  
*ARA Front office*  
*Spec asst.*  
*ARA 10/3*

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V D O S 001963

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John - Hi - I have been tasked with preparing for A/S Watson a paper on the Harbury case outlining everything we know, from the beginning. I am attempting to get the info from our files but would appreciate your looking your files as well. I will call you later today to compare notes. In particular, how do we know that the Guats said Bamaca committed suicide, et Do we have confirmation that they said these things from anyone other than Harbury? Thx. Peg

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WANG OFFICE

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John Cushing/ID00005-08881-03245-00678

Distribution CC:

Leonard Kusnitz/ID00005-08881-01062-00667

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10/21

327225  
AMEMBASSY GUATEMALA  
CONSULAR SECTION

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Background Information

Respect for Human Rights a Key Goal

Promoting respect for human rights is at the top of our bilateral agenda in Guatemala. Our policy has several major components:

— Our annual human rights report provides a public, forthright and detailed assessment of the human rights situation in Guatemala;

— We discuss with the Government of Guatemala both specific cases of human rights abuses and the underlying problems;

— We provide modest amounts of assistance to improve the administration of justice, support judicial and criminal procedure reform, bolster the work of the Human Rights Ombudsman and other human rights organizations; and

— We actively support the Guatemalan peace talks. Nothing would improve the Guatemalan human rights situation more dramatically than an end to its 34-year old conflict.

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Harbury/Bamaca

The case of Efraim Bamaca, the Guatemalan guerrilla leader and husband of American citizen Jennifer Harbury, was first brought to the United States Government's attention in March, 1993. We have assumed throughout that Bamaca could still be alive. We have accordingly and repeatedly pressed the Government of Guatemala for a full investigation. We have provided and continue to provide extraordinary assistance to Ms. Harbury.

Ms. Harbury first approached the U.S. Embassy in Guatemala City in March, 1993. The embassy helped Ms. Harbury obtain appointments with Guatemalan officials and facilitated the exhumation of a grave to determine if it contained her husband's remains. An embassy officer accompanied Ms. Harbury to witness the August 1993 exhumation. Ms. Harbury has been received at high levels of the U.S. Government: by the Assistant Secretary of State for Democracy, Human Rights and Labor; by a Deputy Assistant Secretary of State for Inter-American Affairs; by the U.S. Ambassador to the UN Human Rights Commission; and, repeatedly, by the U.S. Ambassador to Guatemala.

U.S. officials have discussed the case with, among others, Guatemala's Ambassador to the United States, Attorney General, Minister of Defense, Minister of Foreign Affairs and President. Since Ms. Harbury began her hunger strike October 11, our Ambassador has met with her personally on at least

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seven occasions. Embassy officers visit Ms. Harbury daily. We have made special representations to ensure her physical security.

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We welcome President de Leon's October 27 announcement of an investigation of the Bamaca case, his naming of a coordinator to head the investigation and the issuance of a new writ of habeus corpus.

## U.S. Aid to Guatemala

Our development assistance program is relatively small but provides vitally needed aid that promotes health and child survival, judicial reform, measures to protect the environment and to encourage broad-based sustainable development. Much of our aid to Guatemala is delivered through non-governmental organizations (NGOs). Military aid to Guatemala was halted in 1990. In 1994 we converted the \$4.6 million of suspended military aid to economic support funds and earmarked it for support of a comprehensive peace agreement.

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E3645

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I forgot to mention that Feinberg wants us to check to see if any visiting U.S. military officers have raised the Harbury/Bamaca case specifically with the Guat military. I told him that I rather doubted it -- much more likely that they focused on cases like Michael Devine -- but said we would try to find out.

Would post files show this? Do I need to check with DOD here? Thanks. Pe  
cc: AWP

Action - Pol

John Gaudin - Pl ask DAC.

John

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I forgot to mention that Feinberg wants us to check to see if any visiting U.S. military officers have raised the Harbury/Bamaca case specifically with the Guat military. I told him that I rather doubted it — much more likely that they focused on cases like Michael Devine — but said we would try to find out.

Would post files show this? Do I need to check with DOD here? Thanks. Pag

cc: ANP

Pol - J.C -  
PK check - - also,  
whether Cornell or Keller  
even did.  
J

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P 940049-0827

United States Department of State

Washington, D.C. 20520

E3652A

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December 29, 1993

B6

Dear

Thank you for your letter to President Clinton about the human rights situation in Guatemala in general, and specifically about the welfare of Efraim Bamaca Velasquez. The White House has referred your letter to the State Department's Office of Central American Affairs for a reply.

Mr. Efraim Bamaca Velasquez, a top field Commander of the Guatemala National Revolutionary Unity (URNG) said to be personally close to guerrilla leader Rodrigo Asturias (aka "Gaspar Ilom"), disappeared after a March 12, 1992, clash with a Guatemalan army unit near Retalhuleu. Shortly thereafter, the URNG made inquiries concerning his whereabouts and learned he reportedly had been buried after the clash in an anonymous grave nearby. In February 1993 two URNG guerrillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerrillas claimed to have seen Mr. Bamaca in March and July of 1992.

The State Department shares your interest in learning more about Mr. Bamaca's welfare and whereabouts. Ms. Anne Patterson, Deputy Assistant Secretary for Central American Affairs, has met with Mr. Bamaca's wife, Ms. Jennifer Harbury, to discuss this case. Ambassador Marilyn McAfee, the U.S. Ambassador to Guatemala, has done the same. Our embassy routinely emphasizes the importance of respect for human rights in its communications with Guatemalan government officials.

The grave in Retalhuleu said to be that of Mr. Bamaca has been the subject of two exhumation proceedings. The first such proceedings took place in 1992, with the assistance of the Office of the Human Rights Ombudsman. Then-Attorney General Acisclo Valladares appeared at the scene, however, and suspended proceedings on the grounds that there was no way to identify the exhumed body. Mr. Bamaca's wife contacted the Embassy on March 9, 1993, to request assistance in determining his whereabouts.

A U.S. forensic expert and a Guatemalan forensic team on August 17 participated in a second effort to exhume the grave in Retalhuleu. Ms. Harbury, a representative of the Consular Section of the U.S. Embassy in Guatemala, and international human rights observers were also present. Following an exhaustive effort, all present concluded that the body in the

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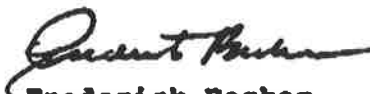
grave was not that of Efrain Bamaca Velazquez. Guatemalan authorities state that Mr. Bamaca's case will remain open until he is found.

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that America's Watch recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Bamaca.

Guatemalan President Ramiro de Leon Carpio, prior to taking office on June 6, served as his country's Human Rights Ombudsman. We believe that President de Leon represents the best hope in a generation of realizing fundamental change in the political culture of Guatemala. We will continue to support President de Leon's efforts to improve the human rights situation in his country.

Thank you again for writing.

Sincerely,



Frederick Becker  
Acting Director  
Office of Central American Affairs

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TEXT OF TELEGRAM 94GUATEM000705

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PAGE 01  
ACTION ARA-01

GUATEM 00705 01 OF 02 220040Z

INFO LOG-00	ACDA-17	AID-01	AMAD-01	CA-02	CIAE-00	C-01
OAST-00	DOEE-00	EB-01	HA-09	H-01	TEDE-00	INR-00
IO-15	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OCS-06
OIC-02	OMB-01	PA-01	PM-01	PRS-01	P-01	SIL-00
SNP-00	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00
USIE-00	RPE-01	/067W				

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FM AMEMBASSY GUATEMALA  
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CONFIDENTIAL SECTION 01 OF 02 GUATEMALA 00705

DEPT. FOR ARA/CEN, CA/OCS/EMR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINS, GT  
SUBJECT: AMBASSADOR MEETING WITH JENNIFER HARBURY  
RE MISSING URNG COMMANDER, EFRAM BAKACA VELASQUEZ

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PAGE 02  
REFS: A) 93 GUATEMALA 03794, B) 93 GUATEMALA 10348  
C) 93 GUATEMALA 9845 AND PREVIOUS

1. SUMMARY: AMBASSADOR MET JAN 12 WITH AMCIT JENNIFER HARBURY TO DISCUSS MS. HARBURY'S CONTINUING EFFORTS TO DETERMINE THE FATE OF HER HUSBAND, URNG GUERRILLA COMMANDER, EFRAM BAKACA VELASQUEZ, WHOM SHE BELIEVES IS BEING HELD, WITH 35 OTHER URNG MEMBERS, IN A CLANDESTINE PRISON CONTROLLED BY THE GUATEMALAN MILITARY. SHE BRIEFED THE AMBASSADOR ON HER RECENT ACTIVITIES IN WASHINGTON TO FOCUS ATTENTION ON THE FLIGHT OF HER HUSBAND AND ON THE GENERAL HUMAN RIGHTS SITUATION IN GUATEMALA, AND TO URGE A SUSPENSION OF FURTHER USG ASSISTANCE TO GUATEMALA UNTIL THE HUMAN RIGHTS SITUATION IMPROVES. SHE DISCUSSED HER NEW PROPOSAL TO SEEK THE RELEASE OF HER HUSBAND AND THE

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TEXT OF TELEGRAM 94GUATEM000705

OTHER 35 URNG COMBATANTS IN EXCHANGE FOR A "NO-FAULT" PLEDGE BY VARIOUS GROUPS INTERESTED IN GUATEMALAN HUMAN RIGHTS. THE AMBASSADOR PROMISED TO CONTINUE TO PRESS THE GOG TO INVESTIGATE THE BAMACA CASE AND SIMILAR CASES UNTIL ALL QUESTIONS WERE RESOLVED. END SUMMARY.

2. MS. HARBURY SUMMARIZED THE CASE OF HER HUSBAND EFRAIN BAMACA VELASQUEZ, AKA "COMMANDANTE EVERARDO", WHICH SHE HAD ALREADY DISCUSSED IN GREATER DETAIL WITH POST'S CONSUL GENERAL, MILITARY ATTACHE, AND POLITICAL OFFICERS ON JAN. 7. (SEE REF A FOR HISTORY OF CASE) MS. HARBURY RELATED THAT SINCE HER DEPARTURE FROM GUATEMALA IN SEPTEMBER 1993, SHE HAS PRESENTED HER STORY TO MOST HUMAN RIGHTS GROUPS IN THE U.S., REPRESENTATIVES OF THE OAS, THE U.N., 35 DIFFERENT CONGRESSMEN INCLUDING SEN. KENNEDY, AND GUATEMALAN

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PAGE 03 GUATEM 00705 01 OF 02 220040Z  
AMBASSADOR EDMOND MULET. SHE STATED THAT ALL THE HUMAN RIGHTS ORGANIZATIONS WITH WHOM SHE MET SUPPORT HER VIEW THAT THE GUATEMALAN ARMY IS 'THE GUILTY PARTY IN THE CAPTURE AND TORTURE OF HER HUSBAND AND 35 OTHER URNG MEMBERS. SHE BELIEVES THAT THE GUATEMALAN MILITARY HAS NOT YET KILLED HER HUSBAND SINCE HE HAS INFORMATION THAT IS VALUABLE TO THE GOG. MS. HARBURY IS ALSO FORMING A LOBBYING GROUP IN WASHINGTON COMPRISED OF AMERICAN CITIZENS WHO HAVE LOST FAMILY MEMBERS OR HAVE BEEN VICTIMS OF HUMAN RIGHTS ABUSES IN GUATEMALA. INCLUDED IN THIS GROUP ARE MEMBERS OF THE NICOLAS BLAKE FAMILY AND SISTER DIANA ORTIZ.

3. WHILE IN THE U.S., MS. HARBURY OBTAINED A LIST OF GUATEMALAN MILITARY GRADUATES OF THE SCHOOL OF THE AMERICAS, LOCATED IN FORT BENNING, GA. SHE MAINTAINS THAT TWO PERSONS ON THE LIST, COL. JULIO ALPIREZ AND MAJOR MARIO SOSA ORELLANA, WERE IDENTIFIED BY WITNESSES AS HAVING SUPERVISED THE TORTURE OF HER HUSBAND AT ONE OF THE MILITARY BASES WHERE HE WAS HELD. SHE IS CONTEMPLATING FILING CRIMINAL CHARGES AGAINST THEM IN GUATEMALAN COURTS IN THE FUTURE. HOWEVER, SHE PREFERS TO PURSUE A NEGOTIATED SOLUTION BEFORE RESORTING TO THE COURTS.

4. SHE TOLD THE AMBASSADOR THAT SHE HAD MET THAT MORNING WITH GUATEMALAN DEFENSE MINISTER GEN. MARIO ENRIQUEZ AND THE MORE HARDLINE CHIEF OF GUATEMALAN MILITARY INTELLIGENCE (D-2) COL. MARIO ALFREDO MERIDA. MS. HARBURY HAD MET WITH DEFENSE MINISTER ENRIQUEZ DURING HER PREVIOUS VISIT TO GUATEMALA IN SEPTEMBER

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TEXT OF TELEGRAM 94GUATEM000705

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1993. BOTH MEN LISTENED ATTENTIVELY TO HER VERSION OF  
WHAT HAD HAPPENED TO HER HUSBAND. SHE SAID THAT THEY  
CONTINUED TO DENY, HOWEVER, THAT THE MILITARY HAD EVER  
CAPTURED COMMANDANTE EVERARDO ALIVE, AT ONE POINT  
SPECULATING THAT THE LETTER ALLEGEDLY WRITTEN BY THE  
MILITARY GIVING A POINT BY POINT PHYSICAL DESCRIPTION  
OF HER HUSBAND WAS JUST A PROPAGANDA STUNT. MS.  
HARBURY POINTED OUT TO THEM SEVERAL UNEXPLAINED  
CONTRADICTIONS IN THE MILITARY'S ACCOUNT OF WHAT  
HAPPENED TO MR. BAMACA. IN THEIR REPLIES TO HER  
OBSERVATIONS, NEITHER ENRIQUEZ NOR THE D-2 CHIEF WAS  
ABLE TO GIVE HER EXPLANATIONS THAT SHE FOUND ACCEPTABLE.  
5. MS. HARBURY STATED SHE THEN ASSUMED A SLIGHTLY  
DIFFERENT POSTURE IN THIS MEETING THAN SHE HAD IN

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TEXT OF TELEGRAM 94GUATEM000705

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CA-02	CIAE-00	C-01
	OASY-00	DOEE-00	EB-01	HA-09	H-01	TEDE-00	INR-00
	IO-16	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OCS-06
	OIC-02	OMB-01	PA-01	PM-01	PRS-01	P-01	SIL-00
	SNP-00	SP-00	SR-00	SS-00	STR-01	TRSE-00	T-00
	USIE-00	RPE-01	/067W				

-----LC8328 220042Z /38

R 210041Z JAN 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 1425  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK  
USCINCSO QUARRY HEIGHTS  
DIA WASHDC

C O N F I D E N T I A L SECTION 02 OF 02 GUATEMALA 00705

DEPT. FOR ARA/CEN, CA/OCS/ENR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINS, GT  
SUBJECT: AMBASSADOR MEETING WITH JENNIFER HARBURY  
RE MISSING URNG COMMANDER, EPRAIN BAMACA VELASQUEZ

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PREVIOUS MEETINGS WITH GOG OFFICIALS. AFTER REVIEWING  
THE CASE AND EXPLAINING HER PLANS TO CONTINUE TO  
ENCOURAGE THE IMPLEMENTATION OF SANCTIONS AGAINST  
GUATEMALA IF NOTHING IS DONE TO FIND HER HUSBAND, MS.  
HARBURY PRESENTED HER LATEST PROPOSAL TO THE GUATEMALAN  
OFFICERS THAT THE GOG EITHER RELEASE HER HUSBAND AND  
THE OTHER 35 URNG COMBATANTS OR TRANSFER THEM TO A  
PUBLIC PRISON TO FACE CHARGES IN GUATEMALA'S CRIMINAL  
COURTS. IN RETURN, SHE WOULD QUIETLY ACCEPT THE MOVE,  
DESIST FROM ALL EFFORTS TO PUBLICLY CONDEMN THE  
GUATEMALAN MILITARY FOR ITS ROLE IN THE AFFAIR, AND  
WOULD CONVINCE ALL THE HUMAN RIGHTS ORGANIZATIONS WHOSE  
SUPPORT SHE HAS ENLISTED TO DO THE SAME. SHE WOULD  
ALSO OFFER TO BE DETAINED IN A GUATEMALAN MILITARY  
COMPOUND FOR UP TO SIX MONTHS AS A PLEDGE OF GOOD FAITH  
DURING THE RELEASE. SHE BELIEVES THAT THE VARIOUS

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TEXT OF TELEGRAM 94GUATEM000705

HUMAN RIGHTS ORGANIZATIONS WOULD AGREE TO HER PROPOSAL IN THE INTEREST OF SAVING 36 HUMAN LIVES AND SECURING THE ADMISSION OF THE GUATEMALAN MILITARY THAT IT HAS MADE MISTAKES IN THE PAST. SHE EXPLAINED THAT SHE HOPES THAT HER OFFER WILL BREAK THE CYCLE OF TORTURE AND IMPUNITY THAT HAS EXISTED FOR THE PAST 30 YEARS AND ENABLE THE GOG TO RELEASE HER HUSBAND AND THE OTHER 35 PRISONERS IN A WAY THAT WILL NOT BRING IT INTERNATIONAL HUMILIATION.

6. MS. HARBURY TOLD THE AMBASSADOR SHE APPRECIATED THE CORDIAL RECEPTION GRANTED HER BY MINISTER ENRIQUEZ AND NOTED THAT EVEN COL. MERIDA'S ATTITUDE CHANGED FROM ONE OF INITIAL HOSTILITY TO ONE OF ATTENTIVE INTEREST BY THE END OF THE 90 MINUTE VISIT. SHE OPINED, HOWEVER,

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THAT THE MILITARY MAY BE UNABLE ON ITS OWN TO RESOLVE THE SITUATION IN A WAY THAT PUTS AN END TO THE HISTORICAL CYCLE OF TORTURE AND IMPUNITY WHILE AT THE SAME TIME ALLOWING IT TO SAVE FACE AND CONTINUE ON THE POSITIVE COURSE ADOPTED SINCE PRESIDENT DE LEON ASSUMED OFFICE.

7. THE AMBASSADOR SUGGESTED THAT IN VIEW OF MS. HARBURY'S NEW STRATEGY OF PURSUING A NON-CONFLICTIVE, NEGOTIATED SOLUTION, IT WOULD BE PRUDENT TO INCORPORATE THIS ISSUE INTO THE LARGER PEACE TALKS BEING HELD IN MEXICO. TO THAT END, THE AMBASSADOR SUGGESTED THAT MS. HARBURY PRESENT HER SIDE OF THE STORY TO MEMBERS OF THE GOVERNMENT PEACE COMMISSION, HECTOR ROSADA AND MARIO PERMUTH, AS WELL AS TO JEAN ARNAULT, U.N. REPRESENTATIVE TO THE PEACE TALKS. SHE ALSO FOUND IT ENCOURAGING THAT COL. MERIDA HAD ATTENDED MS. HARBURY'S MEETING WITH GEN. ENRIQUEZ. THE AMBASSADOR SUGGESTED THAT MS. HARBURY MEET AGAIN WITH THE D-2 CHIEF, NOTING THE IMPORTANCE OF PURSUING DIALOGUE AND SECURING THE COOPERATION OF THE MORE HARDLINE SEGMENTS OF THE MILITARY. THE AMBASSADOR AND MS. HARBURY ALSO AGREED THAT A MEETING WITH GENERAL JOSE LUIS QUILO, CHIEF OF STAFF OF THE ARMY WOULD BE USEFUL.

8. THE AMBASSADOR COMMENTED THAT WHILE THE EMBASSY HAS NOT REACHED ANY DEFINITIVE CONCLUSION ON THE VALIDITY OF MS. HARBURY'S CHARGES, HER ACCUSATIONS DO RAISE SERIOUS QUESTIONS WHICH MUST BE ADDRESSED BY THE GOG. SHE PLEDGED THE EMBASSY'S CONTINUED SUPPORT IN PUSHING THE GOG TO INVESTIGATE THE FATE OF MS. HARBURY'S HUSBAND AND ANY OTHER DETAINEES.. MS. HARBURY ADVISED

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TEXT OF TELEGRAM 94GUATEM000705

PAGE 04      GUATEM 00705 02 OF 02 220042Z  
THE AMBASSADOR THAT SHE PLANS TO RETURN TO WASHINGTON  
AROUND JAN. 22 SO THAT SHE MAY BE PRESENT AT SOME OF  
THE MEETINGS PLANNED FOR DEFENSE MINISTER ENRIQUEZ'  
VISIT TO WASHINGTON THE WEEK OF JAN. 24.

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United States Department of State

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Washington, D.C. 20520

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FEB 24 1994

Dear Senator Cohen:

Thank you for your letter of January 27 in which you convey the concerns of your constituent, [REDACTED], about the welfare of Guatemalan national Errain Bamaca Velasquez, a Guatemalan guerrilla who disappeared in March 1992.

Mr. Bamaca, a top field Commander of the Guatemala National Revolutionary Unity (URNG) said to be personally close to guerrilla leader Rodrigo Asturias (aka "Gaspar Ilom"), disappeared after a March 12, 1992, clash with a Guatemalan army unit near Retalhuleu. Shortly thereafter, the URNG made inquiries concerning his whereabouts and learned he reportedly had been buried after the clash in an anonymous grave nearby. In February 1993 two URNG guerrillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerrillas claimed to have seen Mr. Bamaca in March and July of 1992.

The grave in Retalhuleu said to be that of Mr. Bamaca has been the subject of two exhumation proceedings. The first such proceedings took place in 1992, with the assistance of the Office of the Human Rights Ombudsman. Guatemala's Attorney General at the time, Acisclo Valladares, appeared at the scene however, and suspended proceedings on the grounds that there was no way to identify the exhumed body. Ms. Jennifer Harbury, wife of Mr. Bamaca, then contacted the Embassy on March 9, 1993, to request assistance in determining Mr. Bamaca's whereabouts.

A U.S. forensic expert and a Guatemalan forensic team on August 17, 1993, participated in a second effort to exhume the grave in Retalhuleu. Ms. Harbury, a representative of the Consular Section of the U.S. Embassy in Guatemala, and international human rights observers were also present. After an exhaustive effort, all present concluded that the body in the grave was not that of Mr. Bamaca. Guatemalan authorities state that Mr. Bamaca's case will remain open until he is found.

The Honorable  
William S. Cohen,  
United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/15/95  
Case ID: 95122297

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The State Department shares your interest in learning more about Mr. Bamaca's welfare and whereabouts. Ms. Anne Patterson, Deputy Assistant Secretary for Central American Affairs, has met with Ms. Harbury to discuss this case. Ambassador Marilyn McAfee, the U.S. Ambassador to Guatemala, has done the same. We will continue to help her in any way we can.

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that America's Watch recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Bamaca.

Guatemalan President Ramiro de Leon Carpio, prior to taking office on June 6, 1993, served as his country's Human Rights Ombudsman. We believe that President de Leon represents the best hope in a generation of realizing fundamental change in the political culture of Guatemala. We will continue to support President de Leon's efforts to improve the human rights situation in his country.

We hope that this information is helpful in responding to your constituent's concerns. Please contact us if we can be of further assistance.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure: Correspondence returned.

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TEXT OF TELEGRAM 94STATE 052950

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ORIGIN ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CIAE-00	CPR-02	C-01
	OAS-00	EB-01	HA-09	H-01	TEDE-00	INR-00	IO-16
	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02	ONB-01	PA-01
	PM-01	PRS-01	P-01	SNP-00	SP-00	SR-00	SS-00
	STR-01	TRSE-00	T-00	USIE-00	DTC-01	RPE-01	/061R

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DRAFTED BY: ARA/CEN: CDHERRINGTON  
APPROVED BY: ARA/CEN: JRHAMILTON  
ARA/CEN: MERANNEBERGER  
DOD/OSD/ISA/IA: PST. CLAIR

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R 021527Z MAR 94  
FM SECSTATE WASHDC  
TO AMEMBASSY GUATEMALA  
INFO USCINCSO QUARRY HEIGHTS PM//SCJ5//  
SECDEF WASHDC 0000

C O N F I D E N T I A L STATE 052950

E.O. 12356: DECL: 960217  
TAGS: PREL PHUM MARR MASS GT  
SUBJECT: GUATEMALA - MOD VISIT TO WASHINGTON, WRAP-UP  
REF: (A) 94 STATE 32382, (B) USCINCSO QUARRY HTS PM, 081200Z FEB 94

1. (C) ENTIRE TEXT

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2. SUMMARY

MOD ENRIQUEZ' VISIT TO WASHINGTON SHOULD HELP HIM BETTER UNDERSTAND THE DYNAMICS OF THE BILATERAL RELATIONSHIP. HE MET WITH REPRESENTATIVES OF MOST WASHINGTON-BASED HUMAN RIGHTS GROUPS AND SAW THE CONCERN WITH WHICH THEY VIEW EVENTS IN HIS COUNTRY. ENRIQUEZ' MEETINGS ON CAPITOL HILL SHOWED HIM THAT THERE IS INTEREST IN SUPPORTING GUATEMALA BUT AGAIN, MUCH CONCERN OVER THE NEED TO IMPROVE RESPECT FOR HUMAN RIGHTS. THE IMPORTANCE OF DOWN-SIZING THE GUATEMALAN MILITARY IN THE POST-WAR PERIOD WAS COMMUNICATED TO ENRIQUEZ BY U.S. ARMY OFFICIALS INVOLVED IN RESERVE AFFAIRS ISSUES. ENRIQUEZ APPRECIATED THE OPPORTUNITY TO MEET WITH ASSISTANT

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/15/96  
Case ID: 95122297

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SECRETARY WATSON AT STATE (REF A), AND DEPUTY SECRETARY OF DEFENSE PERRY (REF B). THIS EXPERIENCE SHOULD HELP ENRIQUEZ UNDERSTAND THE MANNER IN WHICH GUATEMALAN EVENTS ARE VIEWED IN WASHINGTON AND ASSIST HIM TO WORK WITH US. END SUMMARY.

### 3. ENRIQUEZ VISIT

MG MARIO ENRIQUEZ, MINISTER OF DEFENSE OF GUATEMALA, VISITED WASHINGTON JANUARY 23-28 AT THE INVITATION OF GENERAL GORDON SULLIVAN, CHIEF OF STAFF OF THE U.S. ARMY. ENRIQUEZ' MEETING WITH ARA ASSISTANT SECRETARY WATSON AND DEPUTY SECRETARY OF DEFENSE PERRY AND WERE

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REPORTED IN REFS A AND B. THIS CABLE WRAPS UP ENRIQUEZ' OTHER MEETINGS.

### 4. PENTAGON

ENRIQUEZ WAS VERY PLEASED WITH HIS PROGRAM AT THE PENTAGON, STATING ON SEVERAL OCCASIONS THAT VISITING THE PENTAGON HAD LONG BEEN ONE OF HIS PROFESSIONAL ASPIRATIONS. THE VISIT STARTED AT THE TOP WHEN HE WAS RECEIVED ON THE PENTAGON STEPS BY DEPUTY SECRETARY PERRY. HE LATER MET WITH ARMY SECRETARY WEST AND JCS CHAIRMAN SHALIKASHVILI. WHILE THESE MEETINGS WERE PRINCIPALLY PROTOCOLARY IN NATURE, SHALIKASHVILI TOLD ENRIQUEZ OF HIS INTEREST IN SEEING THAT GUATEMALA CONTINUES TO HAVE ACCESS TO IMET. ENRIQUEZ --FORMER DIRECTOR OF THE GUATEMALAN MILITARY ACADEMY-- APPRECIATED THE BRIEFINGS GIVEN HIM AT THE PENTAGON ON STRATEGIC ISSUES, AND HIS HALF-DAY VISIT TO THE INTER-AMERICAN DEFENSE COLLEGE, WHERE HE ADDRESSED THE STUDENTS.

### 5. MEETING WITH HUMAN RIGHTS GROUPS

ONE OF THE MOST IMPORTANT ITEMS ON ENRIQUEZ' SCHEDULE WAS HIS MEETING WITH HUMAN RIGHTS GROUPS. AMBASSADOR MULET HOSTED THAT MEETING AT HIS RESIDENCE, OVER COFFEE. THE INFORMAL SETTING PROMOTED COMMUNICATION. ENRIQUEZ FIELDDED QUESTIONS ON PACS, THE BAMACA CASE, CLANDESTINE

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CEMETERIES, AND THE FULL RANGE OF HUMAN RIGHTS ISSUES.  
ONE AREA OF CONCERN WERE STATEMENTS BY THE QUICHE  
MILITARY ZONE COMMANDER FOLLOWING THE BURNING OF JUDICIAL  
RECORDS. QUESTIONERS NOTED THEIR FEAR THAT THE ZONE  
COMMANDER'S STATEMENTS ABOUT HUMAN RIGHTS GROUPS COULD  
RESULT IN HARM TO ACTIVISTS. ENRIQUEZ RESPONDED THAT THE  
OFFICER SHOULD NOT HAVE MADE SUCH STATEMENTS, AND THAT HE  
WILL BE SO INFORMED. THE HUMAN RIGHTS ACTIVISTS WERE  
PLEASED WITH THE OPPORTUNITY TO MEET WITH ENRIQUEZ AND  
APPRECIATED HIS WILLINGNESS TO DISCUSS HUMAN RIGHTS  
ISSUES. WE HAVE BEEN TOLD SINCE THE MEETING THAT MANY OF  
THOSE ATTENDING FELT THAT ALTHOUGH ENRIQUEZ SEEMS TO HAVE  
HIS HEART IN THE RIGHT PLACE, HE NEEDS TO DO MORE TO  
ADDRESS IMPUNITY; THAT HE WAS UNABLE TO SATISFACTORILY  
ADDRESS MANY CASE-RELATED QUESTIONS BECAUSE LITTLE OR NO  
REAL ACTION HAS BEEN TAKEN ON UNDERLYING ISSUES.

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**6. MEMBERS OF CONGRESS**  
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THE MOD'S VISIT TO THE HILL WAS VERY EDUCATIONAL. HE HAD  
WARM MEETINGS WITH REPRESENTATIVES ROBERT TORRICELLI,  
ROBERT MENENDEZ, AND CONNIE MORELLA (WITH WHOM HE CHATTED  
IN THE HALL DUE TO HER HAVING BEEN UNABLE TO LEAVE THE  
HOUSE FLOOR AT THE SCHEDULED TIME). ALL THREE  
REPRESENTATIVES, HOWEVER, EMPHASIZED TO HIM THE  
IMPORTANCE OF IMPROVED RESPECT FOR HUMAN RIGHTS AND THEIR  
INTEREST IN THE BAMACA CASE. TORRICELLI SOUGHT ENRIQUEZ'  
PERSPECTIVE ON MEXICO'S ELZN, AND SAID HE HOPES TO VISIT  
GUATEMALA SOON.

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**7. HOUSE STAFF**  
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MARK MURRAY, STAFFER OF THE HOUSE APPROPRIATIONS  
COMMITTEE'S SUBCOMMITTEE ON FOREIGN OPERATIONS, GAVE  
ENRIQUEZ AN EXCELLENT BRIEFING ON THE NECESSITY FOR  
CONSENSUS ON THE PART OF U.S. INTEREST GROUPS AND  
CONGRESS IF ANY COUNTRY IS TO RECEIVE U.S. AID IN THE  
CURRENT RESOURCE-POOR ENVIRONMENT. IF PROPOSED AID TO A  
COUNTRY IS OPPOSED BY ANY SIZABLE GROUP, SAID MURRAY, IT  
WILL NOT GO THROUGH. HIS IMPLICATION WAS CLEAR: THAT  
GUATEMALA NEEDS TO TAKE THE STEPS NECESSARY TO ADDRESS  
THE OBJECTIONS OF U.S. GROUPS OPPOSED TO AID TO GUATEMALA  
IF IT HOPES TO RECEIVE BILATERAL ASSISTANCE. MURRAY  
LIKED ENRIQUEZ' PLAN TO CONVERT FROZEN FMF FUNDS TO A  
FUND TO SUPPORT A PEACE AGREEMENT. BUT MURRAY ALSO NOTED.

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GROWING CONGRESSIONAL OPPOSITION TO PEACE-KEEPING DUE TO THE FINANCIAL BURDEN. ENRIQUEZ INFORMED MURRAY OF GUATEMALA'S INTEREST IN THE COMMERCIAL PURCHASE OF PARTS FOR ITS HELICOPTERS; MURRAY, NOTING THAT STATE WOULD MAKE THIS DECISION IN CONSULTATION WITH THE CONGRESS, UNDERTOOK TO REVIEW THE CONCEPT. MURRAY ALSO PRESSED ENRIQUEZ ON HUMAN RIGHTS AND BAMACA.

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**8. SENATE STAFF**  
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IN A MEETING WITH SENATE APPROPRIATIONS COMMITTEE  
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STAFFERS ERIC NEWSOME AND TIM RIESER, ENRIQUEZ WAS PRESSED HARD ON HUMAN RIGHTS, AND AT THE CLOSE OF THE MEETING, RIESER INFORMED ENRIQUEZ THAT HIS ANSWERS ON THE BAMACA CASE WERE "UNACCEPTABLE."

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**9. MEETING WITH ACADEMICS**  
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ENRIQUEZ ON JANUARY 27 SPOKE ON CURRENT POLITICS TO A GROUP OF ACADEMICS AT AMERICAN UNIVERSITY. THE ATMOSPHERE WAS CORDIAL, BUT INCLUDED POINTED QUESTIONS ON HUMAN RIGHTS.

CHRISTOPHER

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**RELEASED**

Dec.19 , 1993  
1010 Vermont Ave. NW #620  
Washington D.C. 20005

Secretary John Shattuck  
Department of State  
Human Rights Division  
Washington, D.C.

**DRL**

**Guatemala**

Dear Mr. Shattuck,

It was a pleasure to meet with you recently and to be able to discuss with you the case of my husband, Efrain Bamaca Velasquez. As I explained, he is one of thirty six prisoners of war being clandestinely detained and tortured by the Guatemalan army. For the reasons I am about to explain, I am more concerned than ever about their situation, and wish to seek your assistance.

As I stated earlier, my husband disappeared in combat on March 12, 1992 at the River Ixcucua. He was the only URNG member to disappear at that place and time. The army announced the next day that they had found a body at that site after the combat, and sent it to Retalhuleu for burial. When pressed for details about that body, the army sent, via De Leon Carpio, a perfect description of my husband. Yet when an eye witness escaped from a military base in early 1993 he reported seeing my husband and thirty five other prisoners of war being secretly held and abused by the army. He knew my husband well ...having fought in the same frente with him for years...so there was no possibility of mistaken identity. I therefore returned to Guatemala and insisted on an exhumation. (Last year an exhumation attempt had been abruptly cancelled and never rescheduled). In the judicial files I found the autopsy report of the body actually brought in from the river last year. It was of a person far smaller and younger than my husband, with completely different features and scars. He had been tied, fingerprinted, shot, stabbed, strangled and beaten to death. This is the body I found in the grave. The army insists it was all an innocent mistake. I insist that if they never had my husband in the first place, then where did the perfect, feature by feature description come from that they sent me last year?

I gave this testimony and evidence to the Inter American Commission in the fall. The Commission responded by issuing interim protective orders, (copy enclosed), requiring the government to search for the prisoners and file a report within thirty days, describing the steps taken and the results thereof. After sixty days, the Guatemalan government has filed their report, which I also enclose. They simply refuse to respond,

United States Department of State Office of FOI, Privacy, & Classification Review Review Authority: MOSKOWITZ, SAM Date: 08/08/95 Case ID: 95122298
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U D O S 002102



stating that there is no war in Guatemala, that the Geneva Conventions do not apply, that any subversives would be turned over to the courts, and that the protective orders are therefore unnecessary and out of place.

I believe that given all of the above, that the time has come to apply far more pressure on the Guatemalan military. This case has presented one of the very few opportunities to save lives- thirty six to be exact- instead of merely to search for secret graves. Moreover, the presentation of the prisoners to the Guatemalan courts would mark an historic precedent in Guatemalan human rights issues. To date, no prisoners of war or political prisoners have ever been turned over to the courts, in some thirty two years of war. Our government could play a key role in bringing about this desperately needed change. Yet to date, my understanding is that we have simply made "inquiries" about the case. Meanwhile some 10 million dollars is going to be sent to Guatemala with nary a word of human rights language attached. Must thirty six human beings be slowly but surely be tortured to death while the band plays on?

I am writing to ask that as the Human Rights Officer at the State Department, that you request a full report on this case, and press for firmer actions on behalf of the prisoners. Please send me the results at the above address. I would also ask that you contact the Legal Attache for Guatemala and inform him of the case, as well as request a full report from him on all steps and inquiries being made. This situation obviously marks a serious violation of due process and international humanitarian law, quite apart from any issues as to the applicability of the Geneva Conventions.

Again, I believe that this case requires urgent action, and ask you for your help. Thank you for your time and attention.

Sincerely,

  
Jennifer K. Harbury

Note: I would note that the Guatemalan army claims, in its OAS "report" that the URNG forces have never presented any prisoners either. Enclosed is the documentation reflecting precisely such released prisoners. I presented this list to Marilyn MacAfee while I was in Guatemala last summer.

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Am16/DCR

PETITION FOR HABEAS CORPUS PRESENTED IN FAVOR OF EFRAIN BAMACA BY ACISCLO VALLADARES, PROCURADOR GENERAL DE LA NACION, IN JUNE/94.

Cons

Acisclo Valladares informed this morning that the Supreme Court of Justice, after ordering the searching of Bamaca in all the detention and the military centers, and the jails of the country for more than three months, decided that the Habeas Corpus procedure was fulfilled and that Bacama was not found.

AID

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Now, Valladares says that in the new Code of Criminal Procedure there is another petition that can be made when a person is not found after ordering a Habeas Corpus. This is the Special Investigation Procedure that must be required by any person to the Supreme Court of Justice. If this procedure is required, the SCJ may consider to authorize the Human Right's Ombudsman, or an entity, or the spouse or any relative of the victim to initiate another investigation.

In order to authorize this investigation, the SCJ will ask the party or parties involved for any evidence not presented before and will proceed to receive the testimony of the interested parties.

After that, the Supreme Court of Justice will decide about the rejection or the authorization of the special investigation.

If this investigation is authorized, the person or the entity that is investigating, will act as any fiscal of the Ministerio Público and will have all the support of the Supreme Court of Justice.

This whole procedure is under Articles 467 to 473 of the new Código Procesal Penal.

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POL SECTION

1992-95 Releasable

Memoranda

GUATEMALA

#327226

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/09/95  
Case ID: 951222A3

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94 GUATEMALA 6060

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ACTION ARA-01

INFO LOG-03	ACDA-17	ACDE-00	AID-01	AMAD-01	CA-02	CIAE-00
OAS-00	DUDE-00	EB-01	H-01	TEDE-00	INR-00	IO-16
JUSE-00	L-01	ADS-00	NSAE-00	NSCE-00	OCS-06	OIC-02
OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00
SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00	PMB-00
PRME-01	DRL-09	G-01	/063W			

-----5651E8 272032Z /38

P 272029Z JUN 94

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC PRIORITY 4410

INFO USCINCSO QUARRY HEIGHTS PM

ARA CENTRAL AMERICA

CONFIDENTIAL SECTION 01 OF 02 GUATEMALA 006060

CINCSO FOR POLAD

E.O. 12356: DECL: OADR

TAGS: CASC, PHUM, PINS, PGOV, PINR, GT

SUBJECT: JENNIFER HARBURY RETURNS TO GUATEMALA

REF: A) GUAT 1483, B) GUAT 0705 AND PREVIOUS

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: JENNIFER HARBURY RETURNED TO GUATEMALA ON MAY 20 TO CONTINUE HER CONVERSATIONS WITH GOG AND U.S.

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EMBASSY OFFICIALS ON THE STATUS OF THE CASE OF HER MISSING HUSBAND, URNG COMMANDER, EFRAIN BANACA VELASQUEZ. DURING HER ALMOST TWO-WEEK STAY, SHE MET PERSONALLY WITH THE GUATEMALAN MINISTER OF DEFENSE, GEN. MARIO ENRIQUEZ, AND LOBBIED THE EMBASSIES OF THE "GROUP OF FRIENDS (OF GUATEMALA)" COUNTRIES TO ENLIST THEIR SUPPORT IN PRESSURING THE GOG TO QUICKLY RESOLVE HER HUSBAND'S DISAPPEARANCE. HARBURY ALSO MET WITH THE AMBASSADOR, EMBASSY DAO, CONGEN, ACS OFFICER AND POST'S HUMAN RIGHTS OFFICER. SHE EMPHASIZED THAT SHE IS WILLING TO ARRIVE AT A COMPROMISE SOLUTION WITH THE GOG AND REQUESTED THE AMBASSADOR TO LEAD THE "GROUP OF FRIENDS" COUNTRIES IN PRESSURING THE GOG TO RESOLVE HER HUSBAND'S CASE. HARBURY INDICATED THAT SHE BELIEVES THE EMBASSY SHOULD ADOPT A MORE AGGRESSIVE STANCE IN ADVOCATING HER CASE AND THAT THE USG SHOULD EVEN CONSIDER TRADE SANCTIONS AGAINST GUATEMALA UNTIL HER HUSBAND AND THE OTHER 35 MISSING URNG MEMBERS ARE FOUND. END SUMMARY.

3. MAY 24 MEETING: HARBURY MET WITH CONGEN, DAO, POL HUMAN RIGHTS OFFICER, AND ACS OFFICER ON MAY 24. SHE ASKED FOR AN ACCOUNT OF EMBASSY'S EFFORTS AND FINDINGS, IF ANY, ON HER CASE. CG AND DAO REPORTED THAT EMBASSY OFFICERS REGULARLY PRODD THEIR GOG CONTACTS FOR ACTION

CONFIDENTIAL

PAGE 1

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/10/95  
Case ID: 951222A4

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UDOS 002178

# UNCLASSIFIED

04/12/95 155510 PRINTER: HG

94 GUATEMALA 6060

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AND ANSWERS ON ALL UNRESOLVED HUMAN RIGHTS CASES OF INTEREST TO THE USG. THESE CASES INCLUDE THE AMERICAN CITIZEN CASES OF DIANA ORTIZ, MICHAEL DEVINE, BLAKE AND DAVIS, AS WELL AS THE CASE OF MS. HARBURY'S HUSBAND, GUATEMALAN GUERRILLA LEADER, EFRAIN BAYACA. CG AND DAO ALSO REPORTED THAT THE EMBASSY WAS UNAWARE OF ANY NEW

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PAGE 03 GUATEM 06060 01 OF 02 272031Z

INFORMATION ON MR. BAYACA'S WHEREABOUTS.

4. MS. HARBURY EXPRESSED HER FEAR THAT MR. BAYACA AND THE OTHER 35 PRISONERS WOULD NOT BE KEPT ALIVE INDEFINITELY AND THAT THE NEED FOR INCREASED DIPLOMATIC PRESSURE ON THE GOG WAS MORE URGENT THAN EVER. SHE REQUESTED THAT THE EMBASSY ARRANGE AN APPOINTMENT FOR HER WITH PRESIDENT DE LEON SO THAT SHE COULD PROPOSE HER COMPROMISE SOLUTION PERSONALLY TO HIM. AS REPORTED IN REFTEL, HER OFFER INVOLVES MOVING HER HUSBAND AND THE OTHER 35 TO A PUBLIC PRISON WHERE SHE AND A U.N. REPRESENTATIVE COULD VISIT AND MONITOR THEIR WELFARE UNTIL THEIR RELEASE (PROBABLY AFTER THE SIGNING OF A PEACE AGREEMENT.) IN RETURN, MS. HARBURY SAID SHE WOULD DROP HER CAMPAIGN AGAINST THE GOG AND ALL CRIMINAL CHARGES AGAINST CERTAIN MEMBERS OF THE GUATEMALAN MILITARY. UNFORTUNATELY, PRESIDENT DE LEON WHO WAS OUT OF THE COUNTRY FOR PART OF HARBURY'S VISIT, WAS NOT ABLE (OR DISINCLINED) TO MEET WITH HARBURY DESPITE A REQUEST FOR THE MEETING BY THE AMBASSADOR. MS. HARBURY EMPHASIZED THAT THE BAYACA CASE IS SEEN IN THE INTERNATIONAL COMMUNITY AS A "TEST CASE" FOR THE CREDIBILITY OF THE GOG IN THE PEACE NEGOTIATIONS. DURING THIS MEETING AND IN SUBSEQUENT MEETINGS WITH EMBOSFS, HARBURY STATED THAT IN HER WASHINGTON MEETINGS WITH MOD GENERAL ENRIQUEZ, HE HINTED THAT BAYACA WAS ALIVE AND WAS BEING HELD BY THE ARMY. THE DAO, WHO HAD BEEN ENRIQUEZ'S ESCORT OFFICER, TOLD HARBURY THAT HE HAD NEVER/NEVER HEARD ENRIQUEZ INFER THAT BAYACA OR ANY OTHER PRISONER WERE ALIVE. HARBURY REPLIED THAT SHE WAS READING BETWEEN THE LINES, BUT CORRECTLY; SHE

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BELIEVED ENRIQUEZ WAS SUGGESTING THE POSSIBILITY OF OPENNESS TO A NEGOTIATED SOLUTION.

5. MAY 26 MEETING: IN HER MEETING WITH THE AMBASSADOR ON MAY 26, MS. HARBURY EXPLAINED HER TWO-TRACK APPROACH TO ARRIVING AT A COMPROMISE SOLUTION WITH THE GOG. ON THE AMBASSADOR'S RECOMMENDATION FROM THEIR JANUARY 1994 MEETING, MS. HARBURY CONTACTED U.N. REPRESENTATIVE TO THE PEACE NEGOTIATIONS, JEAN ARNAULT. THE STRATEGY RECOMMENDED TO HER BY MR. ARNAULT INVOLVED PURSUING A

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PAGE 2

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UDOS 002179

Jennifer Harbury Papers

Nettie Lee Benson Latin American Collection

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94 GUATEMALA 6060

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"GENTLEMEN'S AGREEMENT" WITH THE GOG OUTSIDE OF THE OFFICIAL PEACE NEGOTIATIONS. ON A PARALLEL TRACK, MS. HARBURY HOPES THAT THE "GROUP OF FRIENDS" COUNTRIES, LED BY THE U.S., WILL PRESSURE THE GOG ON THE DIPLOMATIC FRONT. THE AMBASSADOR EXPRESSED HER OPINION THAT THE GROUP OF FRIENDS APPLYING DIPLOMATIC PRESSURE AS A GROUP WOULD NOT NECESSARILY YIELD THE HOPED FOR RESULTS. SHE RECOMMENDED THAT EACH EMBASSY CONTINUE TO PUSH THE CASE SEPARATELY WITH ITS RELEVANT GOG CONTACTS. 6. REGARDING THE BAN ON USG AID PROPOSED BY HARBURY AND ADVANCED IN THE MURELLA (SENSE OF THE CONGRESS) RESOLUTION, THE AMBASSADOR REMINDED MS. HARBURY THAT, WHILE THE EMBASSY WOULD CONTINUE TO PUSH FOR A SATISFACTORY RESOLUTION TO THE BAMACA CASE (AND ALL

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PAGE 3

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94 GUATEMALA 0060

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PAGE 01 GUATEM 06060 02 OF 02 272031Z

ACTION ARA-01

INFO	LOG-00	ACDA-17	ACDE-00	AID-01	AMAD-01	CA-02	CIAE-00
	OAS-00	DOOE-00	ES-01	H-01	TEDE-00	INR-00	IO-16
	JUSE-00	L-01	AOS-00	NSAE-00	NSCE-00	OCS-06	OIC-02
	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00
	SR-00	SS-00	STR-01	TRSE-00	T-00.	USIE-00	PMB-00
	PRME-01	DRL-09	G-01	/065W			

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P 272029Z JUN 94

FM AMEMBASSY GUATEMALA

TO SECSTATE WASHDC PRIORITY 4411

INFO USCINCSO QUARRY HEIGHTS PM

ARA CENTRAL AMERICA

C O N F I D E N T I A L SECTION 02 OF 02 GUATEMALA 006060

CINCSO FOR POLAD

E.O. 12356: DECL:DAOR

TAGS: CASC, PHUM, PINS, PGOV, PINR, GT

SUBJECT: JENNIFER HARBURY RETURNS TO GUATEMALA

HUMAN RIGHTS CASES). WE WERE ALSO CONCERNED WITH ADVANCING INSTITUTIONAL CHANGE, NOT HOLDING IT HOSTAGE TO ANY ONE CASE. IN THAT CONTEXT SHE STRESSED THE IMPORTANCE OF MOVING FORWARD ON THE NEW PENAL PROCEDURES CODE AND OUR ASSISTANCE TO THE PUBLIC MINISTRY. HALTING USG FUNDS DESTINED FOR

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PAGE 02 GUATEM 06060 02 OF 02 272031Z

ADMINISTRATION OF JUSTICE PROJECTS UNDER THE NEW CRIMINAL PROCEDURES CODE WOULD MAKE TRUE JUSTICE THAT MUCH HARDER TO OBTAIN IN GUATEMALA. RESPONDING TO HARBURY'S INSISTENCE THAT PRESSURE ON THE GOG WAS CRITICAL, THE AMBASSADOR POINTED OUT THERE WERE NO ECONOMIC PRESSURE POINTS THAT DIDN'T DIRECTLY HURT THE COUNTRY'S NEEDIEST. THE STATE DEPARTMENT TRAVEL WARNING WAS UNFORTUNATELY HAVING A GREATER ECONOMIC EFFECT ON GUATEMALA THAN ANY CUTOFF OF USG FUNDING COULD EVER HOPE TO ACCOMPLISH AND WITH UNFORTUNATE CONSEQUENCES FOR GUATEMALA'S POOREST SECTORS.

7. MAY 30 DEBRIEF: AFTER SEEING THE MOD ON MAY 25, HARBURY REQUESTED ANOTHER MEETING WITH DAO ON MEMORIAL DAY TO GIVE THE EMBASSY A DEBRIEF. HROFF ALSO ATTENDED AND AMBASSADOR ALSO JOINED THE GROUP. ACCORDING TO HARBURY, AT THE MEETING WITH THE MOD GENERAL ENRIQUEZ, HE WAS PURPOSELY AND DISCREETLY SOUNDING OUT HARBURY ON COMPROMISE SOLUTIONS. DAO CAUTIONED HARBURY THAT THE MOD MIGHT ONLY BE PLAYING AN ELABORATE MENTAL CHESS GAME WITH HARBURY. THE DAO EMPHASIZED THAT GUATEMALAN ARMY HAS NEVER ADMITTED THAT THEY HAVE EVER HELD BAMACA OR THE OTHERS AND IT WOULD APPEAR STRANGE AND ILLOGICAL

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94 GUATEMALA 6060

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THAT THE ARMED FORCES WOULD DO SO NOW AND IN THIS WAY. HARBURY DISMISSED THIS AND REPEATED HER CLAIM THAT THE MOD WAS SOUNDING HER OUT.

3. COMMENT: HARBURY CONTINUES HER INSISTENCE THAT BAMACA, HER COMMON-LAW HUSBAND (SHE HAS A TEXAS DECLARATION AND REGISTRATION OF MARRIAGE ISSUED AFTER BAMACA WAS REPORTED MISSING), IS STILL ALIVE AND BEING HELD BY THE ARMY. THE EMBASSY HAS NO INFORMATION TO

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PAGE 03 GUATEM 06060 02 OF 02 272031Z  
SUPPORT HER BELIEF THAT BAMACA IS ALIVE. HOWEVER, WE  
WILL CONTINUE TO PRESS THE GOG ON THIS CASE. END  
COMMENT.  
MCAFE

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UDOS 002182

RELEASED IN PART

B6

CH00012

B6

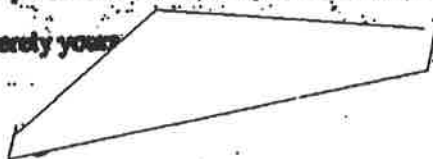
President Bill Clinton  
White House  
1600 Pennsylvania Avenue  
Washington DC 20500

Today I write out of deep concern about human rights violations in Guatemala. Despite the ongoing peace talks, and the recent agreement on verification matters, the official sponsored violence is clearly rising. Shortly after the partial signing of the agreement was reached, for example, the President of the Constitutional Court was assassinated and a Congressman was seriously wounded. Religious leaders, together with human rights and labor activists are under increasing death threats. Attacks on the press, including the beating of an American woman who remains conscious, have been strongly linked to right wing efforts to deter international verification efforts and human rights work, and to justify the military presence in the streets to "maintain order". Over 200 Peace Corps members have been called home.

In particular, I ask you to take urgent steps to give the Rev. and Ethel Benson Valenzuela and some thirty five other prisoners of war being secretly detained and tortured by the Guatemalan army. Mr. Benson Valenzuela is the husband of United States citizen Jennifer K. Harbury, an attorney and writer from the state of Texas. Despite the very clear and concrete evidence in this case the army has refused to present the prisoners to any courts or other lawful detention centers or prisoner of war camps where their well being and proper treatment could be verified. More details are enclosed with this letter. I fear for the lives of these prisoners and ask that you take urgent steps on their behalf.

B6

Sincerely yours



United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/11/95  
Case ID: 951222A4

U D O S 002205



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Classification

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ARA  
RF/mlw

DEPARTMENT OF STATE  
EXECUTIVE SECRETARIAT

TRANSMITTAL FORM

'94 JUL 11 P5:47

S/S 9414980

Date July 11, 1994

FOR: Mr. William Itoh  
Executive Secretary  
National Security Council Staff  
The White House

REFERENCE:

To: President Bill Clinton

From: Collin Tong

Date: Undated

Subj: Welfare of Efrain Velasquez

WH Referral Dated: \_\_\_\_\_  
NSCS ID# (if any): \_\_\_\_\_

\_\_\_\_\_ The attached item was sent directly to the Department of State.

ACTION TAKEN:

\_\_\_\_\_ A draft reply is attached.

\_\_\_\_\_ A draft reply will be forwarded.

\_\_\_\_\_ A translation is attached.

☒ An information copy of a direct reply is attached.

\_\_\_\_\_ We believe no response is necessary for the reason cited below.

\_\_\_\_\_ The Department of State has no objection to the proposed travel.

\_\_\_\_\_ Other (see remarks).

REMARKS:

Drafted: ARA/CEN: JConnerley  
Cleared: ARA/CEN: MRanneberger

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date 08/15/96  
Case ID: 951222A5

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Classification

E252-S60046d

Director  
Secretariat Staff

0005 002223

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~~Classification~~  
**DEPARTMENT OF STATE  
EXECUTIVE SECRETARIAT**

**TRANSMITTAL FORM**

74 JUL 11 1994

S/S 9416946

Date July 11, 1994

95X093-1929

FOR: Mr. William J. Boh  
Executive Secretary  
National Security Council Staff  
The White House

**REFERENCE**

To: President Bill Clinton  
From: Randolph Hall  
Date:  
Subj: Welfare of Efraim Ben-Zion Velasquez

WH Referral Dated: \_\_\_\_\_  
NSCS ID# (if any): \_\_\_\_\_

\_\_\_\_\_ The attached item was sent directly to the Department of State.

**ACTION TAKEN:**

- \_\_\_\_\_ A draft reply is attached.
- \_\_\_\_\_ A draft reply will be forwarded.
- \_\_\_\_\_ A translation is attached.
- \_\_\_\_\_ An information copy of a direct reply is attached.
- \_\_\_\_\_ We believe no response is necessary for the reason cited below.
- \_\_\_\_\_ The Department of State has no objection to the proposed travel.
- \_\_\_\_\_ Other (see remarks).

**REMARKS:**

Drafted: ARA/CEN: J. Connerley  
Cleared: ARA/CEN: H. Rannoch

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/15/95  
Case ID: 951222A5

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*John J. Wick*  
Director  
Secretariat Staff

U D O S 0 0 2 2 2 4

RELEASED

E2508

URNG

24 de abril de 1992

Lic. Ramiro de León Carpio  
Procurador de los Derechos Humanos.  
República de Guatemala

Sr. Procurador:

De la manera más atenta y acompañada de un atento saludo, hago  
me de su conocimiento el siguiente hecho:

El día 12 de marzo del presente año, en el cantón Montúfar, por  
tendencia al municipio de Nuevo San Carlos, Retalhuleu, a las 13:15  
horas, se produjo un enfrentamiento armado entre una unidad del ejército  
de Guatemala y una unidad perteneciente a las fuerzas de la Uni-  
dad Revolucionaria Guatemalteca -URNG-. En este combate fue herido y  
capturado por las efectivos gubernamentales, el Comandante Ernesto,  
cuyos datos son los siguientes:

- nombre: Efraín Bámaca Velázquez
- fecha de nacimiento: 18 de junio de 1957
- lugar de nacimiento: finca El Tablero, El Tumbador, San Marcos, Guatemala.
- padres: José de León Bámaca y Cornelia Velázquez
- estatura: 1.61 mts.
- tez: morena
- ojos: café oscuro.

El parte oficial del ejército, a partir de una información difun-  
dida en la tercera emisión de Patrullaje Informativo del mismo día,  
señala que había sido en combate un posible comandante guerrillero,  
el cual no identifican por su nombre de guerra ni de ninguna o-  
tra manera. Este hecho fue referido al cantón Montúfar, de Nuevo San  
Carlos.

El ejército cuenta con medios suficientes para reconocer a la  
mayoría de nuestros combatientes y especialmente, si se trata de un  
jefe guerrillero, como en este caso. Por esto nos llama a dudas el  
hecho de que no se hubiera referenciado públicamente la identidad del guer-  
rillero muerto en Montúfar.

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

#327220  
AMEMBASSY  
GUATEMALA  
1992-95 Releasable

## URNG

Igualmente, en la edición nocturna de los *Relacioneros* del día 13 y los días 14 y 15 en los medios escritos del país, se hace referencia de estos sucesos, volviendo a destacar que no se conoce la identidad del supuesto guerrillero muerto en los acontecimientos antes mencionados.

Nuevamente, el día 23 en el diario *Fronas Libres* se vuelve a retomar la noticia de los combates recién referidos en la zona de Retalhuleu, mencionando, de manera especial, lo del día 12 y nuevamente se vuelve a referir la supuesta caída en combate de un guerrillero no identificado. En esta oportunidad, se publican dos fotos que simplemente muestran bultos en el suelo que no permiten a nadie acercarse una idea de qué es lo que aparece en la gráfica.

Por otro lado nos han llegado comentarios por diferentes fuentes en sentidos contradictorios. Por un lado, se sabe que entre los días 12 y 14 de marzo del corriente año, fue llevado al anilactro médico forense de la ciudad de Retalhuleu, el cuerpo sin vida de un supuesto guerrillero muerto en combate en Montújar, Nuevo San Carlos, el cual fue etiquetado como XX (desconocido) en el cenotario de dicha ciudad.

A su vez, otros comentarios, hablan de que en ese combate el ejército capturó herido a un comandante guerrillero y que actualmente lo somete a torturas y tratos que contradicen el trato humanitario que merece todo ciudadano guatemalteco.

Hacemos de su conocimiento todos estos hechos, con el fin de requerir sus buenos oficios para esclarecer esta situación, ya que los elementos que le hemos referido nos llevan a tener serias dudas sobre la verdadera situación de vida o muerte actual del Comandante Everardo, temiendo que su integridad física y psíquica estén siendo objeto de vejámenes y tratos inhumanos.

Esperamos su intervención para que se realice una investigación seria y profunda que permita esclarecer lo sucedido en torno al combate del día 12 y que se establezca la plena identidad del supuesto guerrillero sepultado como XX entre los días 13 y 14 de marzo en el cementerio de Retalhuleu.

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

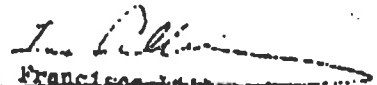
UDDS 002249

UNCG

13: Hds 27/10/94 13:33

Si para ello el Señor Procurador toma a bien considerar la petición de que se proceda a una exhumación, nosotros le solicitamos que se nos dé aviso de cuándo se efectuará este procedimiento, por lo menos con 3 días de antelación, a efecto de permitir que estén presentes nuestros representantes. Pedimos también, que las personas que acudan en nuestro nombre sean debidamente protegidas por el Sr. Procurador de los Derechos Humanos de Guatemala, a efecto de garantizar su integridad física y su vida.

Agradeciendo de antemano la intervención de sus honorables señores para principiar a esclarecer este hecho, me despido con atención y respeto, en espera de que la acción solicitada, se haga dentro del menor plazo posible.

  
Dr. Francisco Vittinggraf Muñoz  
Miembro de la Comisión Política-Diplomática  
Tel/Fax 6 04 08 18 México DF

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

.....  
hecho de que no se hiciera referencia pública a la identidad del su-  
rrillero muerto en Montáfar.

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

0005 002250

(E2618B)

Austin, 23 de febrero de 1993

Corte Suprema de Justicia  
República de Guatemala  
Guatemala

Honorable Corte Suprema:

**RELEASED**

Yo, JENNIFER KRISTINA HARBURY, de 41 años de edad, abogada, de nacionalidad estadounidense, con domicilio en 4814 Ave G, Austin Texas, 78751, Estados Unidos de Norteamérica, (lugar señalado para recibir comunicaciones), con pasaporte expedido por el gobierno de Estados Unidos No. 700148199, por este medio, vengo a interponer un RECURSO DE EXHIBICION PERSONAL en favor de EFRAIN BAMACA VELASQUEZ, con base en los siguientes

**HECHOS:**

1. Estoy enterada que, con fecha 19 de febrero de este año, los ciudadanos guatemaltecos Santiago Cabrera López y Jaime Adalberto Agustín Recinos se presentaron ante el CENTRO DE DERECHOS HUMANOS DE NACIONES UNIDAS, con sede en la ciudad de Ginebra, Suiza, y rindieron testimonio. Ambos denuncian graves violaciones de los derechos humanos por parte del ejército de Guatemala, en contra de varias personas de esa nación.

2. Entre los nombres de las personas que han sido víctimas de dichas violaciones mencionan el de Efraín Bámaca Velásquez.

3. Con Efraín Bámaca Velásquez me une relación marital que está legalizada según Texas Annotated Civil Statutes (Husband and Wife Section 1.91 et seq.)

4. Los hechos denunciados ante el Centro de Derechos Humanos de ONU me llevan a la convicción que la vida y la integridad de Efraín Bámaca Velásquez se encuentran en grave riesgo. Por ello es que atentamente

**P I D O :**

A. Que por medio del auto de exhibición personal correspondiente, la honorable Corte Suprema de Justicia de Guatemala ordene al Presidente de la República, ingeniero Jorge Serrano Elías, en su carácter de Comandante General del Ejército, y al Ministro de la Defensa Nacional, general José Domingo García Samayoa, la presentación de Efraín Bámaca Velásquez, guatemalteco, capturado en marzo de 1992 y retenido desde entonces por el ejército de Guatemala.

-1-

# 224  
Ha  
3-3-93

RECIBIDO  
SECRETARIA GENERAL  
POR:                       
FECHA: 02 MAR 1993  
HORA: 17:00

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 07/26/95  
Case ID: 95122268

U D O S 002253

B. Que tanto el auto de exhibición personal como las resoluciones y trámites que tenga el presente recurso se me comuniquen por correo a la siguiente dirección: 4814 Ave. G., Austin, Texas, 78751, Estados Unidos de América, y al fax (mensaje) (512) 472-8263 c/o Tel. (512) 454-1678.

*Jennifer K. Harbury*  
Jennifer Kristina Harbury  
U.S.A Passport No. 700148199

Cc/

Presidente de la Republica  
Ing. Jorge Serrano Elias  
Palacio Nacional  
Guatemala, Guatemala

Procurador de los Derechos Humanos  
Lic. Ramiro De Leon Carpio  
12 Avenida 12-72 Zona 1.  
Guatemala, Guatemala

Procurador General de la Nación  
Lic. Acisclo Valladares  
18 calle 10-36 Zona 1  
Guatemala, Guatemala

Ministro de la Defensa  
Grnl. Jose Domingo Garcia Samayoa  
Palacio Nacional  
Guatemala, Guatemala

Oficina de Derechos Humanos del Arzobispado  
7a. Avenida 6-21 Zona 1.  
Guatemala, Guatemala

United States Embassy  
Av. La Reforma 7-01 Zona 10  
Guatemala, Guatemala

URNG

EBL/8D

10 de Mayo de 1992

Lic. Ramiro de León Carpio  
Procurador de los Derechos Humanos  
República de Guatemala

Señor Procurador:

Reciba de nuestra parte un atento saludo. El objeto de esta breve comunicación es reiterar ante Ud. la solicitud que le hicieramos el 24 de abril de 1992, relacionada con la suerte del Comandante Everardo. No pensamos que está por demás manifestarle nuestra profunda preocupación por el caso y le pedimos tomar en cuenta que desde el 12 de Marzo no tenemos información sobre el paradero del Comandante. Estamos plenamente informados de los graves sucesos del país y de las limitaciones de comunicación que existen a raíz del traslado a la nueva oficina, pero, respetuosamente, le solicitamos se comunique con nosotros por la vía telefónica o por fax, para enterarnos de cuál es el avance de la gestión emprendida por nosotros ante Ud.

Agradeciendo anticipadamente su intervención pronta para esclarecer lo planteado, me despido de Ud. con muestras de consideración y respeto.

*Francisco Villagrán Murio*  
Dr. Francisco Villagrán Murio  
COMISION POLITICO-DIPLOMATICA DE URNG

UNIDAD REVOLUCIONARIA NACIONAL GUATEMALTECA

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 07/28/95  
Case ID: 95122268



E268E

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SEÑOR JUEZ DE PRIMERA INSTANCIA PENAL DE INSTRUCCION DE  
RETALHULEU:

MARIA IRMA ABRIAZA DE HERRERA, de treinta y ocho años de  
edad, casada, guatemalteca, Abogada y Notario, con domicilio  
en la Ciudad de Guatemala, señalo como lugar para recibir  
notificaciones la sede de la Auxiliatura de la Procuraduría  
de los Derechos Humanos ubicada en la quinta avenida tras  
quién cargo uno de la zona uno de esta ciudad, y actuando en  
mi calidad de Directora del Departamento de Registro de la  
Procuraduría de los Derechos Humanos, bajo la Dirección y  
Procuración de los Abogados que me Auxilian, ante Usted con  
el debido respeto comparezco y expongo la siguiente:

RELACION DE HECHOS.

Que por denuncia presentada al Departamento de Registro de la  
Procuraduría de los Derechos Humanos, por parte de el Señor  
FRANCISCO VILLAGRAN MUÑOZ, se tiene conocimiento sobre la  
supuesta muerte del Señor EFRAIN RAMACA VELASQUEZ, acaecida  
entre los días doce y catorce de marzo del año en curso, en  
Cantón Montufar de Nuevo San Carlos municipio de este  
departamento y que al no ser posible identificar el cadaver  
de la persona citada en su oportunidad fué sepultado como XX  
entre los días trece y catorce de marzo del año en curso, en  
el Cementerio de la Ciudad de Retalhuleu.  
El Señor EFRAIN RAMACA VELASQUEZ, es originario de la Finca  
el Tablero, Municipio de el Tumbador departamento de San

1 notificaciones;

2 C) Que se cunga como Abogados Directores a los  
3 Profesionales Auxiliares;

4 D) Que se ordene la exhumación del Cadaver sepultado entre  
5 los días trece y catorce de marzo del año en curso en el  
6 Cementerio General de la Ciudad de Retalhuleu, para la  
7 práctica del Reconocimiento respectivo.

8 E) Que se señale día y hora para la práctica de la  
9 exhumación solicitada.

10 CITA DE LEYES: Artículos: 11-14-16-26-31-44-47-54-64-101-  
11 214- 305-309-324-333-354-355-361-362-363-369-382. Del

12 Código Procesal Penal. 8-13-14-20-21-22-24-26, de la Ley  
13 de la Comisión de Derechos Humanos del Congreso de la  
14 República y del Procurador de los Derechos Humanos.

15 Acompaño duplicado y tres copias del Presente memorial.

16  
17 Retalhuleu, 5 de Mayo de 1992.

18 A RUEGO DE LA PRESENTADA QUE POR EL MOMENTO NO PUEDE FIRMAR

19 Y EN SU AUXILIO:  
20  
21  
22  
23  
24  
25

UDOS 002258

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Text Message

Priority 2 March 11 1993 03:54 P.M.

Subject: Wife of URNG guerrilla  
From: John R. Arndt

From John R. Arndt: (received Thursday 3/11/93 at 03:44 P.M.)

Sue, how do you think we should proceed? We must help,  
Question is how? Do we have any way of checking reliable  
sources or whether what she claims makes any sense?  
I guess we'll have to wait till Jeff gets as many details  
as possible, but we must step deliberately.

*J*

Select Action    - Send Reply                    \* View Document  
                  - Forward Message                - Copy Document  
                  - Delete Message

1 of

United States Department of State  
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Date: 07/31/95  
Case ID: 95122280

UNCLASSIFIED

UDDS 002277

UNCLASSIFIED

WANG OFFICE

Distribution TO:

Sue Patterson/ID00005-08881-00465-00764  
George Chester/ID00005-08881-00468-00767  
Jeffrey Moon/ID00005-08881-00470-00770  
Don Knight/ID00005-08881-00473-00772  
Judy Dimon/ID00005-08881-00475-00775  
John Keane/ID00005-08881-01048-00645  
Leonard Kusnitz/ID00005-08881-01062-00667  
Jo Ann Pace/ID00005-08881-01115-00694

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V D O S 002278

- POL - J MTT  
RELEASED

E3105

March 12, 1993  
1010 Vermont Ave., N.W. #620  
Washington D.C. 20005

United States Embassy  
Attention: Mr. Jeff Moon  
Guatemala City, Guatemala

Dear Mr. Moon:

I was pleased to speak with you yesterday by telephone, and much appreciated your time and assistance. As I stated, my husband is being secretly detained by the Guatemalan army. He is a Guatemalan citizen and a Comandante of the Organización Revolucionaria del Pueblo en Armas (ORPA), a member organization of the URNG. His name is Efraín Bamaca Velásquez, and is known as Comandante Everardo. I am a United States citizen, and an attorney licensed to practice law in the state of Texas. I am asking that the Embassy ascertain the whereabouts of my husband, and require that the terms of the Geneva Conventions and other norms of international humanitarian law be applied in his case. I have spoken Mr. John Arndt at the United States Department of State, and he urged that I work directly with you.

You asked, when we spoke, that I send you a brief factual summary of the case. My husband Everardo reportedly disappeared in combat on or about March 12, 1992. His fellow combatants were unable to find his body. The army stated that a body of a URNG combatant had been recovered on that date, and was buried in the Retalhuleu cemetery. Although his back pack was also taken by the army, and his general description was certainly known to the army (after nearly 17 years with the URNG), there was virtually no publicity about his death. This left some uncertainty as to whether or not he had in fact been killed or was actually being held and tortured by the Guatemalan army.

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Guatemala  
#327225  
CONSULAR Sec

U D O S 002279

Given this uncertainty, the URNG opened communication with the Guatemalan authorities through the Guatemalan governmental human rights office of Mr. DeLeon Carpio. They requested any forensic photographs taken at the morgue of the cadaver and were told that none existed. They then requested an exhumation of the body. It took until late May to obtain a firm date. The army, meanwhile, presented a detailed description of the face of the "body", and the description resembled the face of Everardo. However, there was no way to know whether or not the face was of a living or dead person. So the exhumation remained scheduled.

*when was it put for?*

Given fears of falsification of the forensic report, the URNG also asked that some international observers be present. This request was accepted by the human rights office, and the date of the exhumation confirmed. I insisted on being one of those observers, although I never admitted that I was Everardo's wife. I feared for my physical safety within Guatemala if I admitted this relationship.

We all arrived at the Retalhuleu cemetery for the exhumation, and the grave was opened up. A number of policemen arrived, and stated that a contingent of military personnel would also be arriving. Abruptly, Mr. Asisclo Valladares also arrived, and demanding that the exhumation be cancelled. He and the forensic physician, Leonel Gomez, (the human rights staff person who had made the arrangements), had a lengthy discussion, Mr. Gomez explaining in detail the numerous careful arrangements which had been made. However, Mr. Asisclo Valladares was visibly upset and insisted on the cancellation. He told Mr. Gomez to come by his office and arrange for rescheduling. Mr. Gomez assured us that he would carry out the exhumation and send us a detailed report. The soldiers never arrived at the cemetery at all. No exhumation ever took place.

In late 1992, two URNG prisoners were able to escape from army bases where they had been secretly detained by the Guatemalan army. I have personally interviewed them both. One

U D O S 002200

of them, whose name is Santiago Cabrera López (pseudonym "Carlos"), is from Everardo's war-front and knew Everardo quite well. Mr. Cabrera López had been captured in 1991. He saw Everardo on March 12, 1992 in a military base in southwestern Guatemala. Because the G-2 officers were present at all times, it was not possible to speak much, and after a few weeks Everardo was taken away. The prisoners were sternly warned never to tell anyone, even the soldiers, that they had seen him. In late May or June of 1992, the G-2 officers informed Mr. Cabrera López and the other prisoners that Everardo had attempted to escape and had been shot.

In late July 1992, Mr. Cabrera López again saw Everardo alive, at a different base in the southwest. This time Everardo was kept apart from the other prisoners, in the infirmary. However, Mr. Cabrera López was ordered to take in a typewriter, and saw Everardo, strapped to a table, semi-nude, badly swollen, and talking in a voice "that was not his", as though heavily drugged. An arm and leg were heavily bandaged. Mr. Cabrera López was immediately ordered to leave and to tell no one of what he saw. A day or so later, he again saw Everardo, who was then dressed in an army uniform. He looked unwell, but had his normal speaking voice again. Mr. Cabrera López could not see much of his body under the clothing. Everardo was moved again, and Mr. Cabrera López does not know where he is now.

by whom? I am convinced that my husband is indeed alive and is being secretly detained and abused by the Guatemalan army. Habeas corpus petitions have been filed on his behalf, as well as the many other prisoners seen and identified by the two escaped URNG members, Mr. Cabrera López and Jaime Adalberto Agustín Recinos (pseudonym "William"). A demand is also pending at this time before the Interamerican Commission for Human Rights of the Organization of American States. Testimony has also been given to the UN Commission for Human Rights.

I do, however, much need your assistance. First of all, I would like for you to communicate your grave concerns to the

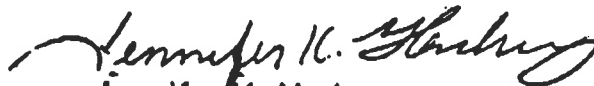
U D O S 002281

Guatemalan authorities, and to ask that Everardo and the other prisoners not be harmed, and that they be publicly presented and treated according to the norms of the Geneva Convention and the other international humanitarian laws. I also ask that you take all possible steps to investigate his whereabouts. Secondly, when my efforts here in the United States permit, perhaps in a month or so, I wish to again request an exhumation of the body buried in Retalhuleu, and would ask that you assist me with this, and if possible, accompany me to the graveyard. \*

I understand the problems presented in this case, and wish to make clear that I do not ask that our Embassy take sides in the ongoing civil war in Guatemala. I do ask, however, that the Geneva conventions and basic humanitarian laws be properly applied in my husband's case; and ask that you make appropriate inquiries and steps on my behalf as a citizen. I will be travelling extensively for the next several weeks, but my attorney Mr. José Pertierra in Washington D.C., (202 783-6666) will communicate all messages to me. Please send any correspondence to his office, at 1010 Vermont Ave. #620, Washington D.C., N.W. 20005. FAX No. 202-347-1925.

Once again, I thank you for your time and assistance, and look forward to working with you. Despite everything, I still have much hope that this case can be resolved.

Sincerely,

  
Jennifer K. Harbury

U D O S 002282



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Review  
HHS Office  
3-18-93

E3123

- mod 92
- Quetzalcoatl re "large parents"
- had father of unknown name.
- asked to look to mod re D. like thought alive
- UNAC document at UN (?)
- Frimoli & Chis: looked at Guine Quetzalcoatl → "can't be" Gotie  
Pius went → no elaborated people → even seen to be that
- Quetzalcoatl → what can Proc do?
- Dr Francisco V. Nazario, version of UNAC lobby (he never had great contact of UNAC)
- would help re exch in Ret → used formally by RHP
- Re ordered power to mod → only
- at point is exch then went
- at pt of exch → date not → in held → natural exch.  
reason: Proc did not in case
- Judge jump d exch.
- R: helped during ordered.
- 3 "ways" of US organs "substantially de minimis requirements" → would by UNAC
- Another, under inty of mod re this → "b. unique" alt. trade

NO -  
CONVERSATION  
IN CONFIDENCE  
ON HUMAN RIGHTS  
DOCUMENTS

327225

AMEMBASSY GUATEMALA  
POLITICAL SECTION

United States Department of State  
Office of FOI, Privacy, & Classification Review  
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Case ID: 95122280

FOIA

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0005 002293 -

not - "why should all people come, if we have caps here?"

- Anglin church to be fine on UNB's part

## T-2 2nd Trial Panel

→ It was asking again for extra work  
asking for lots "valuable  
collaboration"

- ordered both personal
- into telegraphed

- could wait if these persons to  
withstand.

- Anglin: Gentry, judge, not had to  
be there → Gentry, Spley, Pan  
had no way to be there.

- Page:

- 1) was co-laborer
- 2) he killed himself
- 3) Anglin came → nobody did →  
killed unknown
- 4) unknown if it's that person

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VDO5 002294

- nothing more done by UNRV or Pave
- (even at no point in the
- Pave has "señales" to ID him
- no "prisoner"

Colonel  
in Louisiana

(Lt. Col. George H. Day)

→ went at \$ to buy cross + cast

- they did have prevented to find  
the evidence (remove in the  
b/f)
- finally cross finally it's him

- was on right field corner

- what did block on eye?

DD  
was "inches"

MAR 22 '93 17:48

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E3135C

12 de marzo de 1993  
1010 Vermont Ave. #820  
Washington D.C. N.W.

Embajada de los Estados Unidos  
Atención del Sr. Jeff Moon  
Ciudad de Guatemala, Guatemala

Estimado Sr. Moon:

Tuve el gusto de conversar por teléfono con Ud., ayer, y mucho le agradezco su tiempo y cooperación. Como le informé, mi esposo se encuentra detenido clandestinamente por el ejército de Guatemala. El es un ciudadano guatemalteco y Comandante de ORPA, organización miembro de la URNG. Su nombre es Efraín Bámaca Velásquez y es conocido como Comandante Everardo. Yo soy ciudadana de los Estados Unidos y abogada con licencia para practicar abogacía en el estado de Texas. Yo pido, por este medio, que la Embajada determine el paradero de mi esposo y solicito que los términos de las Convenciones de Ginebra y otras normas del derecho internacional humanitario le sean aplicables. Hablé de esto con el Sr. John Arndt, del Departamento de Estado de los Estados Unidos y el me instó a que trabajara directamente con Ud.

Cuando hablamos Ud. me pidió que le enviara un breve resumen de los hechos relacionados con el caso. Según informes, mi esposo desapareció en combate alrededor del día 12 de marzo de 1992. Sus compañeros de combate no pudieron encontrar su cuerpo. El ejército dio a conocer que el cuerpo de un combatiente de la URNG había sido recuperado en esa fecha, siendo sepultado en el cementerio de Retalhuleu. Aunque su mochila también fue recuperada por el ejército y su descripción general era ciertamente conocida por el ejército (después de cerca de 17 años con la URNG) no hubo, virtualmente, ninguna publicidad acerca de su muerte. Este hecho provocó cierta incertidumbre sobre si había caído muerto en combate o estaba más bien detenido, bajo tortura, en poder del ejército guatemalteco.

Dada esta incertidumbre, la URNG estableció comunicación con las autoridades de Guatemala por medio de la oficina gubernamental de derechos humanos del Sr. De León Carpio. La URNG solicitó las fotografías forenses del cadáver tomadas en la morgue y se le respondió que no existían. Solicitó entonces la exhumación del cuerpo. No fue sino hasta finales de mayo que se pudo establecer una fecha para la misma. Mientras tanto, el ejército, presentó una descripción detallada de la cara del "cuerpo" y la descripción se parecía, efectivamente, a la de la cara de Everardo. Sin embargo, no había ninguna forma de establecer si la cara correspondía a una persona viva o muerta. De esta manera, la exhumación permaneció calendarizada.

Dados los temores sobre la falsificación del informe forense, la URNG también pidió la presencia de algunos observadores internacionales. Esta solicitud fue aceptada por la oficina de derechos humanos y la fecha de la exhumación fue confirmada. Yo insistí en ser uno de los observadores, aunque nunca admití que era la esposa de Everardo. Temía por mi seguridad personal dentro de Guatemala de admitir esta relación.

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U O O S 0 0 2 3 0 3

La comitiva llegó al cementerio de Retalhuleu para la exhumación y la fosa fue abierta. Un número grande de policías llegó al cementerio e indicaron que un contingente del ejército también llegaría. De improviso, el Sr. Asisclo Valladares también llegó y exigió que la exhumación fuese cancelada. El y el médico forense, Leonel Gómez (el miembro del personal de la oficina de derechos humanos que había hecho los arreglos para la exhumación), se embarcaron en una larga discusión, explicando el Sr. Gómez los múltiples cuidadosos arreglos que se habían hecho. Sin embargo, el Sr. Asisclo Valladares estaba visiblemente molesto e insistió en la cancelación. Le dijo al Sr. Gómez que fuera a su oficina para reprogramar la exhumación. El Sr. Gómez nos aseguró que llevaría a cabo la exhumación y nos enviaría un informe detallado. Los soldados nunca llegaron al cementerio general. La exhumación nunca tuvo lugar.

A finales de 1992, dos miembros de la URNG que habían estado prisioneros del ejército pudieron escaparse de las bases militares en donde habían estado cautivos en secreto. Yo me he entrevistado personalmente con ellos dos. Uno de ellos, Santiago Cabrera López (cuyo seudónimo es Carlos), era del frente de Everardo y lo conocía muy bien. El Sr. Cabrera López había sido capturado en 1991. El vió a Everardo el 12 de marzo de 1992 en una base militar del suroccidente de Guatemala. Debido a que los oficiales de la G-2 estaban siempre presentes, no fue posible para el Sr. Cabrera López hablar mayor cosa con Everardo y, pocas semanas más tarde, Everardo fue llevado a otro sitio. A los prisioneros se les advirtió enérgicamente que no deberían decirle a nadie, ni siquiera a los soldados, que habían visto a Everardo. A finales de mayo o en junio de 1992, los oficiales de la G-2 le informaron al Sr. Cabrera López y a los otros prisioneros que Everardo había intentado escapar y había sido muerto por disparos.

A finales de julio de 1992, el Sr. Cabrera López vió vivo de nuevo a Everardo, en una base distinta en el Sur-Occidente. En esta ocasión, Everardo fue mantenido aparte de los otros prisioneros, en la enfermería. Sin embargo, al Sr. Cabrera López se le ordenó que llevara una máquina de escribir a dicho lugar y vió a Everardo, engrilletado a una mesa, semidesnudo, hinchado severamente y hablando en una voz "que no era la suya", como que si estuviese fuertemente drogado. Un brazo y una pierna estaban casi totalmente vendados. Al Sr. Cabrera López se le ordenó que saliera de inmediato, así como que no dijera a nadie lo que había visto. Aproximadamente un día después volvió a ver a Everardo, vestido éste en uniforme militar. Su apariencia no era buena, pero había recuperado su voz normal. El Sr. Cabrera López no pudo ver el estado de su cuerpo por estar éste cubierto por el uniforme. Everardo fue trasladado de nuevo y el Sr. Cabrera López no sabe dónde pueda estar ahora.

Yo estoy convencida que mi esposo ciertamente vive y está secretamente detenido y sufriendo abusos a manos del ejército guatemalteco. Recursos de exhibición personal han sido presentados en favor de Everardo, así como en favor de los otros muchos prisioneros vistos e identificados por los señores Santiago Cabrera López (cuyo seudónimo es Carlos) y Jaime Adalberto Agustín Recinos (cuyo seudónimo es William), los dos miembros de la URNG que escaparon. También pende en este momento una demanda presentada a la Comisión Interamericana de Derechos Humanos de la OEA. También se han presentado testimonios ante la Comisión de Derechos Humanos de la ONU.

No obstante, necesito en mucho su asistencia. Primero, quisiera que Ud. comunicara sus graves preocupaciones a las autoridades guatemaltecas y solicitara

V D O S 002304



que Everardo y los otros prisioneros no sufran ningún daño y sean presentados públicamente y tratados de conformidad con las normas de las Convenciones de Ginebra y otras leyes del derecho internacional humanitario. También le solicito que tome todas las medidas posibles para investigar su paradero. En segundo lugar, cuando mis esfuerzos acá en los Estados Unidos lo permitan, tal vez en un mes, es mi deseo solicitar, nuevamente, una exhumación del cuerpo enterrado en Retalhuleu y le pediría a Ud. que me ayudara con este proceso, así como, de ser posible, que me acompañara al sitio donde el cuerpo está enterrado.

Entiendo los problemas que se presentan con este caso y quiero dejar claro que no le pido a nuestra Embajada que tome posición en la guerra civil que se desarrolla en Guatemala. Si pido, sin embargo, que las Convenciones de Ginebra y las leyes humanitarias básicas sean aplicadas apropiadamente en el caso de mi esposo, así como que Ud. realice las pesquisas pertinentes y tome las medidas que me favorezcan en mi calidad de ciudadana de los Estados Unidos. En las próximas semanas estaré viajando por muchas partes; pero el Sr. José Pertierra, de Washington D.C. (202-5266399) me comunicará todos los mensajes que me lleguen.

NY: YOUR BRANCH OFFICE

: 3-23-93 : 9:56AM : KINKO'S MADISON & 34-

318885;# 6/ 6

Por favor, envíe cualquier correspondencia a su oficina, con dirección 1010 Vermont Ave. #620, Washington D.C., NW 20005. Su número de fax es: 202-3471925.

Una vez más, le agradezco su tiempo y su colaboración, esperando trabajar conjuntamente con Ud. en el futuro. A pesar de todo, aún tengo mucha esperanza de que este caso pueda ser resuelto.

Atentamente.

Jennifer X. Harbury

0005 002305

April 2, 1993  
4814 Ave. G  
Austin, Texas 78751

E3174A

RELEASED

Procurador de los Derechos Humanos  
Lic. Ramiro De Leon Carpio  
12 Avenida 12-72, Zona 1  
Guatemala City, Guatemala

Dear Mr. De Leon Carpio,

I would like to open this letter by once again commenting on the fine work of your office. I continue to have great respect and trust for both you and your staff, and hope that you will be continuing as the human rights Procurador for a very long time. I know that many others share my high regard for your contributions to the Guatemalan people.

I regret the confusion over the exhumation last year. However, given the large number of armed police in the cemetery, and the apparent belief that the person arriving to identify the body was a URNG member, it was not convenient for me to reveal my marriage to Everardo, or Efraim Hamaca Velasquez at that time. I am sure that you will understand this. I do, however, apologize for the time and work this cost your office.

As I am sure you have heard, I am planning to once again request an exhumation of the body buried in Retalhuleu. I am convinced that this is a necessary step. It will be necessary to seek the services of a Guatemalan attorney to file the appropriate paper work, and I would like to request your assistance in this matter. Given the sensitive nature of this case, I believe it would be best to seek the legal representation of an attorney from your office, as opposed to seeking a private attorney. Would this be possible? We could communicate directly on this matter, either by telephone, fax, or mail, and I will provide you with all necessary information. I am planning to attend the exhumation in person, and a number of persons in this country have offered to accompany me. Also, Mary Grandfield of the U.S. embassy has agreed to assist me in the arrangements.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 07/31/95  
Case ID: 95122281

U D O S 0 0 2 3 2 7

I believe this case to be of great importance to matters of Guatemalan human rights. I do not seek to make any political statements, but I do intend to discover the true whereabouts of my husband, and to press for his proper treatment pursuant to the Geneva Conventions and other norms of international humanitarian law. I would simply request the attorney from your office to assist me in making the legal arrangements for the exhumation. As I stated, I have full trust and respect for your office, and this opinion is shared by the Embassy.

Although I will be travelling a great deal during the next several weeks, please leave a message for me at 512-454-1678 (Texas); or send me a fax at the same number. Please feel free to call collect as well. I hope to hear from you soon.

I thank you for your time and consideration.

Sincerely,

Jennifer K. Harbury



UNCLASSIFIED

GUATEMALA 004401

ORIGIN: POL/2 INFO AMB DCM ECON MILG/5

RELEASED

E3208

VZCZCGTI \*  
PP RUEHC  
DE RUEHGT #4401 109 \*\*  
ZNR UUUUU ZZH  
P 192359Z APR 93  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 5147  
BT  
UNCLAS GUATEMALA 04401

CLASS: UNCLASSIFIED  
CHRG: PROG 04/19/93  
APPRV: CHARGE: JFKEANE  
DRFTD: POL: JMOON  
CLEAR: ADCM: SHP  
POL: GAC  
DISTR: POL3  
ORIGIN: WNG ID: 00332 JE

ARA/CEN PLS PASS TO AMBASSADOR-DESIGNATE MCAFEE

E.O. 12356: DECL: N/A

TAGS: AMGT

SUBJECT: OFFICIAL - INFORMAL

REF: A) GT 03794; B) GT 02435

1. THE FOLLOWING CONTAINS BACKGROUND ON EFRAIN BAMACA VELASQUEZ AND POSSIBLE QUESTIONS WITH SUGGESTED REPLIES FOR USE IN CONFIRMATION HEARINGS BY AMBASSADOR-DESIGNATE MCAFEE. OTHER TOPICS SEPIELS.

HUMAN RIGHTS CASE: EFRAIN BAMACA VELASQUEZ

## BACKGROUND

3. IN FEBRUARY 1993, TWO URNG GUERRILLAS CLAIMED IN GENEVA THAT THEY HAD BEEN HELD IN CLANDESTINE GUATEMALAN ARMY PRISONS BEFORE ESCAPING. THE GUERRILLAS SAID THEY SAW BAMACA, A TOP URNG FIELD COMMANDER BELIEVED PERSONALLY CLOSE TO ORPA LEADER RODRIGO ASTURIAS (AKA "GASPAR ILOM"), WHILE IN CAPTIVITY. BAMACA DISAPPEARED AFTER A MARCH 12, 1992 CLASH WITH AN ARMY UNIT NEAR RETALHULEU. THE URNG MADE DISCREET INQUIRIES CONCERNING HIS WHEREABOUTS, AND LEARNED HE WAS BURIED IN AN ANONYMOUS GRAVE NEAR THE SITE OF THE CLASH.

4. THE HUMAN RIGHTS OMBUDSMAN ASSISTED WITH EXHUMATION ARRANGEMENTS LAST YEAR, BUT THEN-ATTORNEY GENERAL ACISCLO VALLADARES APPEARED AT THE SCENE AND SUSPENDED PROCEEDINGS, ALLEGEDLY BECAUSE THERE WAS NO WAY TO IDENTIFY THE EXHUMED BODY. AMCIT JENNIFER HARBURY, WHO CLAIMS SHE IS BAMACA'S COMMON-LAW WIFE, CONTACTED THE EMBASSY ON MARCH 9 THIS YEAR REQUESTING ASSISTANCE IN DETERMINING BAMACA'S WHEREABOUTS. SINCE THEN, THE DEFENSE MINISTER STATED PUBLICLY THAT BAMACA IS BURIED AT THE RETALHULEU GRAVE. HARBURY WAS REPORTEDLY AMONG THOSE WHO ATTENDED THE SUSPENDED EXHUMATION ATTEMPT IN 1992, ALTHOUGH SHE DID NOT IDENTIFY HERSELF AS BAMACA'S WIFE AT THE TIME. SHE IS MAKING ARRANGEMENTS TO ATTEMPT ANOTHER EXHUMATION IN MID-1993. THE EMBASSY WILL PROVIDE APPROPRIATE CONSULAR ASSISTANCE.

## QUESTIONS AND ANSWERS

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 07/31/95  
Case ID: 9512282

UNCLASSIFIED

GUATEMALA 004401

0005 002358

Q: DOES THE GUATEMALAN ARMY MAINTAIN CLANDESTINE PRISONS?

A: WE HAVE NO INDEPENDENT INFORMATION CONFIRMING THE EXISTENCE OF CLANDESTINE GUATEMALAN MILITARY PRISONS. WE NOTE, HOWEVER, THAT AMERICA'S WATCH RECENTLY PREPARED A REPORT DOCUMENTING SEVERAL CASES IN WHICH PERSONS CLAIMED TO HAVE BEEN HELD IN SECRET ARMY JAILS. WE HAVE NO INDEPENDENT INFORMATION REGARDING THE WHEREABOUTS OF MR. BAMACA, NOR DO WE HAVE INDEPENDENT INFORMATION CONFIRMING OR REFUTING THE EXISTENCE OF CLANDESTINE PRISONS AS ALLEGED IN THE AMERICA'S WATCH REPORT.

KEANE

BT

#4401

NNNN

UNCLASSIFIED

GUATEMALA 004401

0005 002359

14.5

UNCLASSIFIED

May 7, 1993

10:30 AM

E3234

RELEASED

Jennifer Harbury called

- advised her Omb's Off will not take her case
- she plans to look for GT Atty
- determined to do exhumation + continue to press 'f. corpse' not Benavides

Add PA

all  
releasable

#327240  
AMEMBASSY  
GUATEMALA  
1992-95 Releasable  
memo/letters

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/01/95  
Case ID: 95122283

UNCLASSIFIED

VDOS 002373

Harbury UNCLASSIFIED

3-18-93

17:00

- condol.

- mem. act. Ref to 202-347-1725

- major cert.

- Spanish

- met 1990

- married 1991

- disapp. Mar 12, 1992

- need copy of mem. cert.

- old poster not to return

- Betty:

- Send

- mem. cert.

- will be in US to at least one mo.

- Send:

- P.

- Travel

- Mem. Cert.

- Expl. of Mem.

UNCLASSIFIED

0005 002374

UNCLASSIFIED

De's Conc. of Arzelo  
3-22-93

- Yes, interviewed

- Under ID b/c no records +  
no relative

- Ready at any future time when  
data available

- Still son's position  
not, was uneasy for some reason: b/c  
nothing will be achieved.

Need: Dental records

UNCLASSIFIED

0005 002375

UNCLASSIFIED

Corr. 10/2/21

5-4-93

Quib; 0 ft

- (w/ "i" under first letter)
- not sure as family -> same as b/f
- B. Family to Mex many yrs ago  
work there; ~~was~~ ~~not~~ ~~at~~ ~~the~~ ~~time~~  
62 in Mex.

Area Social + de Familia

Monica de Estrada

- 5 to 6 couples

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UDDS 002376

UNCLASSIFIED FAX: chen

56-28-44 (H)  
300494 (Chen H)

Aug 8/17/84 : New & Tall.

Letter -> New Post } last week (P. 1) sent  
-> New Pub. }

- Press or In. Month spoke at Klemm  
re info to be prep'd

- Work sent people to New to get  
opposite side of info -> haven't  
gone forward

- New papers are re prev. information

- there's another request -> contact  
unity

- M. D. Lelton
- M. L. Lelton

- MC: Source should be done

→ shift

- work further, etc.

CRISALIDA. Jitahala

UDDS 002377

UNCLASSIFIED

Jennifer Harbury Papers

Nettie Lee Benson Latin American Collection

UNCLASSIFIED

3-30-83  
Harbury Phone

- 1) ~~my~~ Bob says
  - a) Let's don't let Barbara
  - b) he's prob. buried in Peru- CORRECTION responding to Tommaso
- 2) Exh to go ahead. She's
  - a) looking for forensic & Dr
  - b) to request Omb's assist
  - c) looking for def'n ID evidence
  - d) arranging for others to accompany her
- 3) Most future contact will be w/ Mary
- 4) I offer (she accepts) discrete comm. channel w/ Bob.

UNCLASSIFIED

Jennifer Harbury Papers

Nettie Lee Bellison Latin American Collection

UOOS 002378



UNCLASSIFIED

3-29-93

15:41

Called Harbury at her work tel  
(202-783-6666)  
Left msg for her to call me.

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UDDS 002379

UNCLASSIFIED

3-17-93

Exhumation Request (per M. Grandfield)

- Memorial; vendor; requirer;  
deceased; photos, parents names,  
- need actual X-ray plates  
(who was his dentist?)

Gomez : 37-27-44  
68-05-65

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0005 002380

UNCLASSIFIED

Nov. 17, 1993  
At Emb.

mtg w/ General Gomez + M. Grandhild

- Gomez declines all comment on Bannock  
Case
- willing to speak only if Ramo gives  
him the "green light"
- won't even say if deceased was  
Aunt's legally-recognized spouse
- implies u. politically sensitive.

Later PM:

- Sue + I agree we'll go see  
Ramo as soon as appt. made.

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UDDS 002381

U.S. DEPARTMENT OF STATE  
EXECUTIVE SECRETARIAT  
ACTION SLIP

(Classification/Downgrader)

DATE DUE IN S/S BY:

S/S CONTROL NUMBER

ACTION ASSIGNED TO:

ACTION REQUESTED:

☒ STATE TO NSC MEMO  
☒ PRESIDENTIAL  
☐ CONGRESSIONAL

☒ HIGH PRIORITY ITEM

☐ STATE TRANSMITTAL FORM  
TO NSCS ☐ OVP ☐  
☐ TRAVEL AUTHORIZATION  
☐ PROVIDE INFO COPY OF  
DIRECT REPLY

☒ WITH DRAFT REPLY FOR SIGNATURE  
BY: President

☒ WITH COMMENT/RECOMMENDATION

☐ IF NO SIGNED ORIGINAL IS NECESSARY,  
PREPARE CROSS-HATCH CABLE

☐ AFTER CROSS-HATCHING, SEND A  
COMEBACK COPY OF OUTGOING STATE CABLE  
AND ORIGINAL WH CORRESPONDENCE,  
UNDER COVER OF TRANSMITTAL FORM.

☐ IF NO REPLY IS NECESSARY, RETURN  
ORIGINAL WH CORRESPONDENCE UNDER  
COVER OF A TRANSMITTAL FORM.

☐ PROVIDE COMEBACK FOR

☐ DIRECT REPLY ON BEHALF OF  
☐ WITH REPLY FOR SIGNATURE BY  
☐ RECOMMENDATION FOR UNDER COVER OF AN ACTION MEMO  
☐ WITH REPLY FOR SIGNATURE  
☐ FOR APPROPRIATE HANDLING ☐ FOR YOUR INFORMATION

REMARKS/SPECIAL INSTRUCTIONS:

CLEAR WITH:

COPIES TO:

☒ S  
☐ S/SCHED.  
☒ D  
☐ D/CISA  
☐ D/EEA  
☐ D/P&R  
☐ D/SC  
☒ P  
☐ P/FP  
☐ E  
☐ T  
☐ M

☒ S/S  
☐ S/S-O  
☐ S/S-EX  
☒ S/S-S  
☐ S/S-C  
☐ S/S-IRM  
☒ S/S-IRM/RMD  
☐ AF  
☐ ARA  
☐ EAP  
☐ EUR

☐ A  
☐ B  
☒ CA  
☐ CIP  
☐ CPR  
☐ CT  
☐ DS  
☐ EB  
☐ EEOCR  
☐ FMP  
☐ FSG  
☒ H-2

☒ HA  
☐ IL  
☒ IO  
☐ INM  
☐ L  
☐ M/DGP  
☐ MEBCO  
☐ M/FSI  
☐ M/MED  
☐ M/OFM  
☐ PA/WHL  
☐ NP

☐ NRRC  
☐ NST  
☐ OES  
☐ OIG  
☐ PM  
☐ RP  
☐ ST  
☐ ST-10  
☐ ACDA  
☐ AID  
☐ USA

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/01/95  
Case ID: 95122285

FROM:

S/S-S

TEAM: A

B

EX-101-3304/3338/3339/3340 5804/8338/8339/8340

UNCLASSIFIED

UNCLASSIFIED

RELEASED

E3346A

DEPARTMENT OF STATE  
DRAFT REPLY

Dear Senator Krueger:

Thank you for your letter of May 21, 1993 in which you note the concerns Efrain Banca Velasquez, a Guatemalan citizen reportedly being secretly detained by the authorities in his homeland.

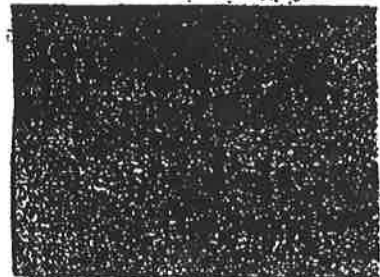
In February 1993, two URNG Guerrillas claimed in Geneva that they had been held in clandestine Guatemalan army prisons before escaping. The Guerrillas said they saw Bamaca, a top URNG field commander believed personally close to ORPA leader Rodrigo Asturias (aka "Gaspar Ilom"), while in captivity. Bamaca disappeared after a March 12, 1992 clash with an army unit near Retalhuleu. The URNG made discreet inquiries concerning his whereabouts, and learned he was buried in an anonymous grave near the site of the clash.

The Honorable

Robert Krueger,

United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/01/95  
Case ID: 95122285



UNCLASSIFIED

0005 002395

2  
1993

The Human Rights Ombudsman assisted with exhumation arrangements last year, but then-Attorney General Acisclo Valladares appeared at the scene and suspended proceedings, allegedly because there was no way to identify the exhumed body. Ms. Harbury contacted the Embassy on March 9, 1993 to request assistance in determining Bamaca's whereabouts. Since then, the Guatemala Minister of Defense stated publicly that Bamaca is buried at the Retalhuleu grave. Ms. Harbury was reportedly among those who attended the suspended exhumation attempt in 1992, although she did not identify herself as Bamaca's wife at the time. Ms. Harbury is making arrangements to attempt another exhumation. Our embassy will provide appropriate consular assistance.

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that America's Watch recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Bamaca, nor do we have independent information confirming or refuting the existence of Clandestine prisons as alleged in the America's Watch Report.

0005 002396

SECRET J0872

-3-

Human rights is at the top of our bilateral agenda with Guatemala. We continue to raise our concern about violations of human rights in Guatemala at every opportunity. We suspended military assistance to Guatemala in December 1990 because of mounting violence and lack of progress in prominent cases of abuses of human rights by members of the security forces. While some positive steps have been taken by the Government of Guatemala to address the issue of adequate respect for the rule of law and putting an end to de facto impunity for violators, we feel more can and must be done.

I hope that this information has been of help in responding to your constituent.

Sincerely,

000S 002397

RELEASED

E3358A

Washington, D.C.  
18 de Junio, 1993

Corte Suprema de Justicia  
Republica de Guatemala

Honorable Corte Suprema:

Yo, JENNIFER KRISTINA HARBURY, de 41 años de edad, abogada, de nacionalidad estadounidense, con domicilio en 4814 Ave. G, Austin, Texas 78751, Estados Unidos de Norteamérica, con pasaporte expedido por el gobierno de Estados Unidos No. 700148199, por este medio, vengo a interponer un RECURSO DE EXHIBICION PERSONAL en favor de EFRAIN BAMACA VELASQUEZ, con base en los siguientes

#### HECHOS

1. Estoy enterada que, con fecha 19 de Febrero de este año, los ciudadanos guatemaltecos Santiago Cabrera López y Jaime Adalberto Augustín Recinos se presentaron ante el el CENTRO DE DERECHOS HUMANOS DE NACIONES UNIDAS, con sede en la ciudad de Ginebra, Suiza, y rindieron testimonio. Ambos denuncian graves violaciones de los derechos humanos por parte del ejercito de Guatemala, en contra de varias personas de esa nación.
2. Entre los nombres de las personas que han sido victimas de dichas violaciones mencionan el de Efraín Bamaca Velasquez.
3. Con Efraín Bamaca Velasquez me une relación marital que esta legalizada segun Texas Annotated Civil Statutes (Husband and Wife Section 1.91 et seq.)
4. Los hechos denunciados ante el Centro de derechos Humanos de ONU me llevan a la convicción que la vida y la integridad de Efraín Bamaca Velasquez se encuentran en grave riesgo. Por ello es que atentamente

#### PIDO

- A. Que por medio del auto de exhibición personal correspondiente, la honorable Corte Suprema de Justicia de Guatemala ordene al Presidente de la Republica, Ramiro de Leon Carpio, en su caracter de Comandante General del Ejército, y al Ministro de la Defensa

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/01/95  
Case ID: 95422285

0005 002400

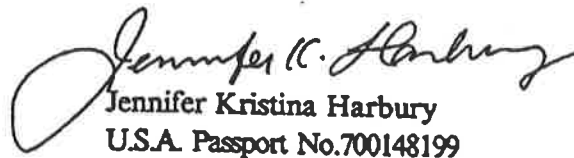


Nacional, general Perussina, la presentación de Efraín Bamaca Velasquez, guatemalteco, capturado en Marzo de 1992 y retenido desde entonces por el ejército de Guatemala.

B. Que tanto el auto de exhibición personal como las resoluciones y tramites que tenga el presente recurso se me comunique por correo a la siguiente dirección:

Ms. Jennifer K. Harbury  
c/o Mr. Jose Pertierra, attorney at law  
1010 Vermont Avenue N.W. Suite 620  
Washington D.C. 20005  
U.S.A.

FAX: 202 -347-1925  
Telefono: 202-783-6666

  
Jennifer Kristina Harbury  
U.S.A. Passport No.700148199

cc:

Presidente de la Republica  
Lic. Ramiro De Leon Carpio  
Palacio Nacional  
Guatemala, Guatemala

Ministro de la Defensa  
Palacio Nacional  
Guatemala, Guatemala

Procurador de los Derechos Humanos  
12 Avenida 12-72 Zona 1  
Guatemala, Guatemala

Oficina de Derechos Humanos del  
Arzobispado  
7a. Avenida 6-21 Zona 1  
Guatemala, Guatemala

Procurador General de la Nacion  
18 Calle 10-36 Zona 1  
Guatemala, Guatemala

United States Embassy  
Ave. La Reforma 7-01 Zona 10  
Guatemala, Guatemala

June 18, 1993

0005 002401

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RELEASED

E3430

MEMORANDUM

to: DCM John Keane  
through: Consul General Chuck Keil<sup>CK</sup>  
from: CONS Mary E. Grandfield<sup>MB</sup>  
date: August 12, 1993  
subject: Meeting with Jennifer Harbury

At her request I met with Jennifer Harbury at 2:00 pm this afternoon. She was accompanied by Pat Davis and journalist Janet Hawkins. Ms. Harbury reviewed the Privacy Act waiver she had given to Jeff Moon in March and confirmed that it is still valid.

Ms. Harbury informed me that the exhumation has been scheduled for 8:00 a.m. Tuesday July 17 at the Retalhuleu cemetery. As discussed with Chuck Keil and Len Kunitz, and as requested by Ms. Harbury, I will accompany her to the exhumation. Since Retalhuleu is a three hour drive, and given the uncertainty of weather and road conditions, I plan to go to Retalhuleu late afternoon Monday Aug. 16th. Ms. Harbury and her companions will go to Retalhuleu early morning on the 16th. Ms. Harbury said that her lawyer, a forensic expert from the U.S. and probably someone from the Procuraduria de Derechos Humanos will attend the exhumation.

We should probably hold off on doing the interview requested by Janet Hawkins until after the exhumation. Please let me know if you agree.

cc: Len Kunitz, POL  
Lee McClenny, USIS  
Al Cornell, DAO

*Guatemala  
#327225  
CONSULAR Sec*

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/01/95  
Case ID: 95A22287

UNCLASSIFIED

U D O S 002469

POL-SECTION  
1992-95 Releasable  
Memo/Letters  
GUATEMALA  
#327226

DESS file Cond Pol  
E3450  
TO:  
RELEASED

August 25, 1993

Report on Case of Efraín Bamaca Velasquez

My name is Jennifer Kristina Harbury. I am 41 years of age and a citizen of the United States. I received my law degree from Harvard University in 1978 and have been licensed to practice law in the state of Texas since that time.

I lived in Guatemala for most of 1985 and 1986, compiling human rights testimonies and assisting victims of the repression. When I returned to the United States, I decided that my best contribution to the people of Guatemala would be to write a book about the people I had met and the realities I had witnessed. In order to take additional interviews I returned to Guatemala in 1990, this time to the frente Luis Ixmatá of ORPA, one of the four member groups of the U.R.N.G.. It was there that I met my husband, Efraín Bamaca Velasquez, or Comandante Everardo, for the first time. He is an Indigenous person from the San Marcos area, and had been in the mountains for some seventeen years.

Efraín and I met again in 1991, when he came out of the mountains to work on the preparation of certain issues, such as Indigenous rights, involved in the peace talks. We were able to spend a number of months together, and were married in September 1991. We knew that the relationship would be complex, but we also recognized that this was a time of war, and that we should value our time together. As it turned out, this time was very brief indeed.

In early 1992, my husband returned to Guatemala to be with his frente. He was only to be away for a few months; and we planned to reunite soon. However, on March the twelfth, 1992 he vanished in combat near Montufar, Nuevo San Carlos, Retalhuleu. The other combatants searched for him frantically, but he had disappeared without a trace, together with his backpack. During the next several days there were brief notices in the press that the army had recovered a body there, dressed in olive green, and buried it in Retalhuleu as "XX" or unidentified. My husband was the only combatant to disappear on that date in that place.

After these initial notices, there was a complete silence in the press. I found this disquieting, since Efraín was a Comandante with seventeen years in the mountains. Given his status, I would have expected the army to have claimed a major military victory on the front pages of all the papers. Certainly G-2 knew his face; and certainly they would have recognized the significance of the contents of his backpack (maps, codes, etc.). Why was there such a silence? Was he really dead, or had they taken him alive, to torture him for his information?

UDDS 002473

The various leaders of the URNG were also uneasy about the situation; and they contacted the Procurador de Derechos Humanos, (Lic. De Leon Carpio), and requested that he obtain any forensic fotos and records that G-2 might have taken of the body, in order to confirm the identity. The Procurador, De Leon Carpio, was extremely professional, and handled this case with all neutrality and courtesy, treating it as any other human rights case. In response to the URNG inquiry, he sent the attached letter, presenting the information he had been given. Also attached is a photograph of my husband. As you can see, the description matches him feature by feature, and to the centimeter. The report stated that he had been wounded in combat and shot himself through the mouth with his rifle to avoid capture.

Despite the startling accuracy and detail of the description, some doubts remained. This was the army's statement. But was the description really of a cadaver? Or of a living person in secret captivity? The URNG decided to press for an exhumation, which was arranged by the Procuraduria. The date, after much effort, was set for May 20, 1992. I attended as an observer, but pursuant to unanimous advice, did not reveal that I was his wife. In the cemetery, the exhumation was abruptly called off - by the Ministerio Publico (Lic. Asisclo Valladares) even as the gravediggers reached the body bag. Despite assurances of a new date, it was never re-scheduled. Many official reasons have been given. Let me only say that a large number of armed police were present and that there was a great deal of shouting and upset. Since the exhumation should have cleared up any doubt about army misconduct in this unusual case, why was there such obvious desperation to call everything to a halt? What was being concealed? Oddly, the entire file at the Procuraduria has since disappeared.

In early 1993 I interviewed, in person, two young combatants from the URNG who had recently escaped from separate military base, where they had been held in secret. One, whose pseudonym is "Carlos", knew my husband very well, as they had long served in the same frente. Carlos was captured in 1991, and had been tortured, kept in a pit, and tied to a bed for months. After this initial period, he became part of a new G-2 experiment aimed at slowly breaking prisoners until they become a cadre of secret and permanent army informants. (Similar to the case of Pellecer). These prisoners are warned to cooperate so as to avoid further torture. They are also told that they must not try to escape, or their families will be killed along with them.

Carlos described to me in detail seeing Efraim brought in to the military base on March 12, 1992. Needless to say, they recognized each other. Carlos says my husband was tied hands and feet to a bed for several weeks, and under heavy interrogation. Carlos could see him often, but never outside the presence of the G-2 officials and guards. The other prisoners were warned never to mention my husband's name or tell of his presence; and Carlos heard the officials saying that everyone thought my husband was

UDOS 002474

dead. He also overheard comments about the grave. Later, Efrain was taken away, and the prisoners were told he had tried to escape and had been shot. However, he appeared alive at a different base in late July, where Carlos was also staying. This time Carlos saw him being tortured. He was strapped down to a metal table, his body terribly swollen, an arm and leg heavily bandaged. An unidentified gas tank was positioned next to the bed, and he was surrounded by army officials. My husband survived; for Carlos saw him about a day later, looking ill and tired, but with less swelling. The arm and leg were hidden by his clothing. My husband was again taken away not long after that, and Carlos did not see him again.

Carlos and the other escaped prisoner testified to the United Nations in Geneva, in February 1993. Between the two of them, they had personally identified well over thirty other URNG prisoners being secretly held by the Guatemalan army. I filed a complaint with the Interamerican Commission of Human Rights of the OAS, testified before the United Nations Committee on Disappearances, and filed a petition for Exhibicion Personal on behalf of my husband. Similar petitions were filed on behalf of all of the prisoners seen by the two escaped witnesses. The army responded that no secret prisoners or prisons exist in Guatemala. A few days later, three of the prisoners on the list appeared on Guatemalan television stating that they had voluntarily joined the army. One was Anastasia Lopez Calvo, an indigenous woman whose brother burned to death in the Spanish Embassy. I knew her well in 1985.

Given the official insistence that the witnesses were lying and that my husband was dead and buried in Retalhuleu, I decided to return to Guatemala and try again to carry out an exhumation. I arrived in Guatemala City on July 8, 1993.

In the process of preparing the legal documents, I discovered clear evidence of an army cover-up last year. The forensic documents report a cadaver found in olive green on March 13, 1992 near Rio Ixcucua, Montufar, Nuevo San Carlos, Retalhuleu. Again, my husband is the only companero who disappeared from the frente on this date and place. This is the date and place also given in De Leon Carpio's 1992 letter. However, the rest of the description provided by the army in no way squares with the body actually buried last year. Here are some of the differences:

1. The body actually buried was about 25 years of age, had "tez moreno claro", a light mustache, and was about 1.55 meters tall. The description furnished by the army to De Leon Carpio, and transmitted by letter to the URNG last year, describes a man about thirty years of age, "tez moreno", no mustache, and about 1.60 meters in height. My husband was thirty four, tez moreno, with no mustache, and about 1.60 meters in height.

2. The body found and buried last year had a scar on one hand. My

UDDS 002475

husband has no such scar. The army report omitted the scar in its description.

3. The person buried last year was shot, stabbed, strangled and had a skull crushed by blows. There was a mark around his ankles where he had been tied, and ink on his fingertips. His prints had been taken. The army had reported that the person had been wounded and committed suicide to avoid capture. This was no suicide.

Upon reading this report I could only draw the obvious conclusion. The army had captured my husband alive, and brought another prisoner to the place where the combat had occurred. The prisoner was tortured and murdered there, then buried in Retalhuleu. Meanwhile, a completely falsified description of the body, perfectly describing my husband, was sent to the URNG. The purpose of this fraud was to enable G-2 to torture my husband for information, without any outside interference or human rights complaints and inquiries. All this occurred even as they were involved in the peace negotiations, discussing the human rights issues, and urging the URNG to lay down their weapons on a trust basis.

Nonetheless I decided to continue with the exhumation proceedings so as to leave no stone unturned. The same officials were present who saw the cadaver and recorded the forensic information last year. So was the cemetery administrator who records the location of all ~~XX~~ burials. Unfortunately, the XX graves are extremely close together, and the first grave opened was the wrong body. It was not buried in olive green and the skull was intact. The officials stated it was the wrong grave. I examined the skull nonetheless, and it was not my husband's. The skull had a large metal corona on a front tooth. Efrain has no such corona. We then dug the grave just next to the first, but again, it was the wrong body (no olive green) and wrong person (the skull had an old extraction my husband does not have). We then proceeded just to the other side of the first grave and found a lightweight olive green uniform which I recognized as a URNG uniform from my time with the frente. The officials immediately recognized the body from the crushed skull, which they remembered, as well as from the uniform. A brief examination by my forensic doctor, Michael Charney, revealed two coronas on the upper front teeth, and an upper extraction, with no lower extraction. My husband has no coronas, no upper extraction, but does have a lower extraction. Also they teeth of the skull were close together, while my husband's are oddly spaced. I was able to look at the skull independently and verify that this was not the skull of my husband. Dr. Charney then examined the pubic bone and calculated the age at 18-20 years at time of death. My husband was nearly 35 when he disappeared. Finally, I looked at the body and the uniform. They showed a frame much smaller than my own. My husband is almost my size exactly. In other words, the body matched the forensic records from last year, but was entirely different from the description sent by the army through

De Leon Carpio. My conclusions about the army cover-up were confirmed.

Needless to say, I plan to proceed to the fullest with all legal and political remedies. However, it is my great hope that under the new government of President De Leon Carpio, that a reasonable and humane solution can be reached. I have been told by many that there is a genuine effort ongoing to create a "new" army.

If this is true, let the prisoners be presented in a public detention center, with access to medical care, human rights officials, and family members. This after all, constitutes the very minimum required by international law. If the army does not consider itself bound by the Geneva Conventions, it must comply with the requirements of basic humanitarian law. This last provides no exceptions to the prohibitions on torture, secret imprisonment, and extrajudicial executions.

If so legally detained, the prisoners present no threat to the army. Moreover, I would be willing to recognize a truly historic change in the human rights orientations of the Guatemalan army. Should this occur, I would have little interest in pursuing punishment or revenge, through my legal or political channels.

This is a test case. Is there a new army here in Guatemala? Or not? Is De Leon Carpio free to carry out historic human rights reforms here in Guatemala? Or not? This we will see during the coming weeks.

*Jennifer R. Harbury*

U D O S 002477

TEXT OF TELEGRAM 93GUATEM009845

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ACTION ARA-01

INFO	LOG-00	ACDA-17	AID-01	AMAD-01	CA-02	CIAE-00	C-01
	OASY-00	DOER-00	EB-01	HA-09	H-01	TEDE-00	INR-00
	IO-19	LAB-04	L-03	ADS-00	MSAE-00	NSCE-00	OCS-06
	OIC-02	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00
	SNP-00	SP-00	SR-00	SS-00	STR-16	TRSE-00	T-00
	USIS-00	RPE-01	CORE-00	/091W			

E88216 310006Z /38

R 310103Z AUG 93  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 8382  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK  
USCINCSO QUARRY HEIGHTS PM  
DIA WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 GUATEMALA 09845

DEPT FOR ARA/CEN, CA/OCS/EMR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINR, GT  
SUBJECT: AMBASSADOR MEETING WITH JENNIFER HARBURY RE  
MISSING GUATEMALAN GUERRILLA EPHRAIM BAMACA VELASQUEZ

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PAGE 02 GUATEM 09845 01 OF 02 310005Z  
REF. GUATEMALA 3794

1. SUMMARY. AMBASSADOR MET AUGUST 20 WITH ANCIT JENNIFER HARBURY CONCERNING THE FATE OF HER MISSING GUATEMALAN GUERRILLA HUSBAND, EPHRAIM BAMACA VELASQUE, AKA "COMMANDANTE EVERARDO." EXHUMATION WHICH TOOK PLACE AUGUST 17 PROVED THAT BODY BURIED IN RETALHULEU CEMETERY WAS NOT REPEAT NOT BAMACA, AS GOG HAD CLAIMED. (NOTE: SEPTEL REPORTS ON THE EXHUMATION). HARBURY BELIEVES THAT HER HUSBAND AND ABOUT 35 OTHERS, ARE BEING HELD IN CLANDESTINE PRISONS RUN BY GUATEMALAN MILITARY. CONOFF AND JOURNALIST FROM HARVARD MAGAZINE ALSO ATTENDED MEETING. END SUMMARY.

2. ANCIT JENNIFER HARBURY HAS BEEN IN GUATEMALA SINCE EARLY JULY 1993 TO ARRANGE FOR THE EXHUMATION OF A

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Date: 08/03/95  
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GRAVE IN RETALHULEU CEMETERY REPORTED TO CONTAIN THE BODY OF HER HUSBAND, EFRAIN BAMACA VELASQUEZ, A GUERRILLA LEADER KNOWN AS "COMMANDANTE EVERARDO." BAMACA, DISAPPEARED FOLLOWING A MARCH 1992 BATTLE BETWEEN URNG AND GOG FORCES IN RETALHULEU DEPARTMENT (SOUTHWESTERN GUATEMALA NEAR THE PACIFIC COAST). IN RESPONSE TO INQUIRIES FROM URNG LEADERSHIP AND HUMAN RIGHTS OMBUDSMAN'S OFFICE, GOG REPORTED THAT BAMACA WAS KILLED IN THE BATTLE AND BURIED AS XX (UNKNOWN PERSON) IN THE RETALHULEU CEMETERY.

3. HARBURY HIRED AN ATTORNEY AND OBTAINED A COURT ORDER TO EXHUME THE BODY. THE EXHUMATION TOOK PLACE ON AUGUST 17, 1993 (SEPTTEL REPORTS ON THE EXHUMATION) AND FORENSIC EXPERTS PROVED THAT THE BODY IN THE GRAVE WAS  
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NOT BAMACA. HARBURY CONTINUES TO BELIEVE THAT BAMACA IS HELD IN A CLANDESTINE MILITARY PRISON, AS REPORTED BY TWO FORMER GUATEMALAN GUERRILLAS WHO ESCAPED AND TESTIFIED AT THE U.N. HUMAN RIGHTS COMMISSION IN GENEVA IN FEBRUARY 1993 ABOUT THE CLANDESTINE PRISONS. FURTHER PROOF FOR HER THAT BAMACA IS/WAS ALIVE AND HELD BY THE ARMY IS A LETTER TO THE URNG FROM THEN-HUMAN RIGHTS OMBUDSMAN DE LEON CARPIO SENT A YEAR AGO WHICH CONVEYS A DETAILED, ACCURATE DESCRIPTION OF BAMACA AS PROVIDED TO THE HRO BY THE GUATEMALAN ARMY IN THE CONTEXT OF CONFIRMING THAT HE HAD BEEN KILLED AND BURIED IN MARCH 1992. ACCORDING TO HARBURY THE DESCRIPTION SHOULD HAVE MATCHED THAT OF THE COMBATANT BURIED IN THE EXHUMED GRAVE WHICH THE ARMY SAID WAS BAMACA. SINCE IT DID NOT SHE CONCLUDES THAT THEY WERE HOLDING HIM AT THE TIME. HARBURY, WHO HAS THE SUPPORT OF MAJOR GUATEMALAN AND INTERNATIONAL HUMAN RIGHTS GROUPS AND OF MANY U.S. CONGRESSMEN, REQUESTED EMBASSY SUPPORT FOR HER PUBLIC DEMAND THAT HER HUSBAND AND APPROXIMATELY 35 OTHERS WHOM SHE BELIEVES ARE HELD IN CLANDESTINE PRISONS BE RELEASED.

4. AT HARBURY'S REQUEST AMBASSADOR MET WITH HER AUGUST 20 TO DISCUSS THE EXHUMATION RESULTS. THIS WAS THE SECOND MEETING IN GUATEMALA WITH HARBURY CONCERNING HER HUSBAND. JOURNALIST JANET HAWKINS OF HARVARD MAGAZINE, WHO IS A FRIEND OF HARBURY'S, SAT IN ON THE MEETING BUT AGREED TO AMBASSADOR'S REQUEST THAT IT BE OFF THE RECORD. CONOFF WHO ATTENDED EXHUMATION WAS ALSO PRESENT AT THE MEETING. HARBURY REQUESTED AMBASSADOR'S SUPPORT FOR HER ON-GOING EFFORTS, WHICH ARE SUPPORTED,  
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TEXT OF TELEGRAM 93GUATEM009845

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BY THE FORENSIC PROOF THAT BANACA IS NOT IN THE  
RETALHULEU GRAVE, TO GET GOG TO MOVE ALL CLANDESTINE  
PRISONERS TO PUBLICLY ACCESSIBLE DETENTION CENTERS WITH  
HUMANITARIAN LIVING CONDITIONS AND RED CROSS ACCESS.

5. AMBASSADOR INFORMED HARBURY THAT SHE AND OTHER  
EMBOFFS HAVE DISCUSSED AND WILL CONTINUE TO DISCUSS THE  
CASE WITH HIGHEST LEVEL GOG OFFICIALS, INCLUDING  
PRESIDENT DELEON CARPIO AND THE MOD. AT PRESENT WE  
HAVE NO EVIDENCE TO CONFIRM HARBURY'S CLAIM OF THE  
ONGOING DETENTION OF URNG COMBATANTS TO INCLUDE BANACA,  
BUT AGAINST THAT POSSIBILITY THE AMBASSADOR HAS  
CONTINUED TO PRESS THE ISSUE WITH THE GOG. SHE  
DISCUSSED WITH HARBURY REPORTED CASES OF COMBATANTS

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ACTION ARA-01

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	IO-19	LAB-04	L-03	ADS-00	NSAE-00	NSCE-00	OCS-06
	OIC-02	OMB-01	PA-01	PM-02	PRS-01	P-01	SIL-00
	SNP-00	SP-00	SR-00	SS-00	STR-16	TRSE-00	T-00
	USIE-00	RPE-01	CORE-00	/091W			

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R 310103Z AUG 93

FM ANEMBASSY GUATEMALA

TO SECSTATE WASHDC 8383

INFO ANEMBASSY MEXICO

USMISSION GENEVA

USMISSION USUN NEW YORK

USCINCSO QUARRY HEIGHTS PM

DIA WASHDC

C O N F I D E N T I A L SECTION 02 OF 02 GUATEMALA 09845

DEPT FOR ARA/CEN, CA/OCS/ENR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: DECL:OADR

TAGS: CASC, PHUM, PINS, PGOV, PINR, GT

SUBJECT: AMBASSADOR MEETING WITH JENNIFER HARBURY RE  
MISSING GUATEMALAN GUERRILLA EFRAIN BAMACA VELASQUEZ

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BEING USED BY THE ARMY AS INTELL AGENTS AND THE  
APPARENT DEATH OF ONE SUCH OPERATIVE BY URNG ELEMENTS.  
HARBURY SUGGESTED THAT THE MANNER TO DEAL WITH THIS  
WOULD BE TO USE AN INTERMEDIARY, SUCH AS MONSIGNOR  
QUESADA, TO PROTECT THOSE WHO DO NOT WISH THEIR  
IDENTITIES OR WHEREABOUTS KNOWN. SHE INSISTED ON A  
FULL ACCOUNTING OF ANYONE DETAINED BY THE ARMY. THE  
AMBASSADOR AGAIN RAISED THE ISSUE WITH THE MINISTER OF  
DEFENSE AUGUST 25 (SEPTTEL) AND AT HARBURY'S REQUEST  
URGED THAT HE MEET WITH HER. MEETING HAS BEEN  
SCHEDULED FOR AUGUST 30. HARBURY SAID SHE WOULD  
PERSONALLY SEEK AN APPOINTMENT WITH THE PRESIDENT.

6. HARBURY HAS ENLISTED AID OF OTHER FRIENDLY  
EMBASSIES (NOTABLY CANADA, EUROPEAN COMMUNITY AND GROUP  
OF FRIENDS) AS WELL AS OF THE OAS HUMAN RIGHTS

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COMMISSION DELEGATION, WHICH IS SCHEDULED TO ARRIVE IN GUATEMALA IN EARLY SEPTEMBER (DATE UNCONFIRMED). THE AUGUST 29 SUNDAY SUPPLEMENT TO DAILY PRENSA LIBRE CARRIED A TWO PAGE STORY WITH COLOR PHOTOS ABOUT HARBURY'S QUEST TO FIND HER HUSBAND. CONSIDERABLE ADDITIONAL PUBLICITY CAN BE EXPECTED ONCE THE OAS DELEGATION ARRIVES.

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RELEASED IN PART

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CONFIDENTIAL GUATEMALA 09985

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PAGE 01  
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IO-19 LAB-04 L-03 ADE-00 HSAE-00 NSCE-00 OIC-02  
PA-01 PRS-01 P-01 RP-10 SIL-00 SP-00 SR-00  
SS-00 STR-16 TRSE-00 USIE-00 RPE-01 CORE-00 /090W  
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<TO>  
TO SECSTATE WASHDC 8467  
INFO AMEMBASSY MEXICO  
AMEMBASSY CARACAS  
AMEMBASSY MADRID  
AMEMBASSY BOGOTA  
USMISSION USUN NEW YORK  
USMISSION GENEVA

<CLASS>  
CONFIDENTIAL GUATEMALA 09985  
E.O. 12356: DECL:OADR  
<TAGS>  
TAGS: PGOV, PNM, ST  
<SUBJ>  
SUBJECT: DINNER WITH DE LEON: HUMAN RIGHTS AND OTHER  
ISSUES  
<TEXT>  
REF:

1. CONFIDENTIAL - ENTIRE TEXT.  
CONFIDENTIAL

PAGE 02  
GUATEMALA 09985 00 OF 03 021854Z  
2. SUMMARY: OVER DINNER ON AUGUST 30, PRESIDENT DE LEON DISCUSSED SEVERAL HUMAN RIGHTS TOPICS IN RESPONSE TO QUERIES FROM THE AMBASSADOR. THE AMBASSADOR RAISED THE PAC'S, CLANDESTINE JAILS AND GUERRILLA EFRAIN BAHACA, AND THE RELEASE OF A PURPORTED GUERRILLA. DE LEON VOLUNTEERED HIS VIEWS ON A PUBLIC MINISTRY SUCCESSOR, REFUGEES, POLICE INADEQUACIES, AND CPR'S. THE MEETING, WHICH COVERED THE POLITICAL CRISIS AND DE LEON'S HOPES FOR ECONOMIC ASSISTANCE (SEPTELS) ALSO TOUCHED ON THE PEACE PROCESS. END SUMMARY.  
PACS

3. THE PRESIDENT INVITED THE AMBASSADOR FOR DINNER ON AUGUST 30. DCN ACCOMPANIED. FOLLOWING DISCUSSION OF OTHER TOPICS, THE AMBASSADOR MENTIONED THAT SHE HAS RECENTLY HAD DISCUSSIONS WITH SEVERAL HUMAN RIGHTS NGO'S. WHILE THEY TOUCHED ON MANY SUBJECTS, THEY WERE UNIFORMLY CRITICAL OF ABUSES BY PACS (CIVIL DEFENSE COMMITTEES) AND THE APPARENT IMPUNITY WITH WHICH THEY OPERATE. DE LEON NOTED THAT PACS NEED TO EXIST WHILE THE INSURGENCY CONTINUES, BUT HE AGREED WITH THE ASSESSMENT THAT PACS OFTEN ACT OUTSIDE THE LAW. THE PROBLEM IS THAT GUATEMALA'S INVESTIGATIVE CAPABILITIES

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Review Authority: MOSKOWITZ, SAM  
Date: 08/03/95  
Case ID: 95122288

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0005 002489

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TO PUNISH ABUSES ARE EXTREMELY WEAK. HE NOTED THAT IN THE KILLING TWO MONTHS AGO OF HIS COUSIN, JORGE CARPIO, THE AUTHORITIES ARE ONLY NOW ARRIVING AT A CONCLUSION. INDICATIONS ARE THAT IT WAS A COMMON CRIME, DESPITE ACCUSATIONS BY THE CARPIO FAMILY TO THE CONTRARY, HE NOTED PARANTHETICALLY, BUT THE POINT IS THAT IT IS VERY  
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DIFFICULT TO GET SOLID INVESTIGATIONS. DE LEON SAID HE HAD TOLD THE GUATEMALAN ARMY HE WAS VERY UPSET BY THE INCIDENT AT COLOTENANGO WHERE PAC MEMBERS OPENED FIRE WITHOUT PROVOCATION ON DEMONSTRATORS. HE INDICATED THAT A THOROUGH INVESTIGATION IS UNDERWAY AND HE HAS TOLD THE ARMY THAT HE EXPECTS RESULTS.

CPRS

4. DE LEON THEN TURNED TO THE SUBJECT OF CPR'S (POPULAR COMMUNITIES IN RESISTANCE). HE IS CONCERNED THAT PEOPLE IN CPR'S LIVE IN UTTER MISERY IN REMOTE AREAS, AND THAT THEY ARE SUPPORT GROUPS FOR THE URNG. HE HAS BEEN TOLD BY THE ARMY THAT MEMBERS OF THE CPRS ARE GRADUALLY FILTERING DOWN FROM THE MOUNTAIN REDOUBTS TO LIVE IN VALLEYS CLOSER TO CIVILIZATION, BUT HE WANTS TO VERIFY THIS PERSONALLY. HE NOTED THAT THE CPR ISSUE WOULD BE RESOLVED AUTOMATICALLY WITH A PEACE SETTLEMENT, SINCE MOST OF THEM RESIDE IN THESE REDOUBTS OUT OF FEAR, CONTINUALLY FUELED BY URNG AGENTS, OF ARMY OR PAC REPRISALS. HOWEVER, DE LEON DOES NOT FEEL HE SHOULD WAIT FOR A PEACE ACCORD, IF MEASURES CAN BE TAKEN TO HELP CPR MEMBERS NOW. HE WAS TOLD THE ARMY HE WOULD LIKE TO VISIT CPR COMMUNITIES AND PERSONALLY ENCOURAGE THEM TO ABANDON THEIR MOUNTAIN HIDEAWAYS, AND REASSURE THEM ABOUT THEIR SAFETY, SO THAT THEY WILL SETTLE IN COMMUNITIES WITH MORE ACCESS TO CIVILIZATION, INCLUDING HEALTH CARE, EDUCATION AND OTHER NECESSITIES. IF THAT DOES NOT WORK, HOWEVER, HE IS PREPARED TO TRY TO BRING SOME SERVICES TO THE CPRS, PARTICULARLY ELEMENTARY  
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HEALTH CARE.  
REFUGEES

5. TURNING TO THE TOPIC OF REFUGEES, DE LEON NOTED THAT HE HAS BEEN INFORMED THAT APPROXIMATELY 900 FAMILIES DESIRE TO RETURN TO GUATEMALA THIS YEAR FROM MEXICO. HE BELIEVES THAT THESE WILL HAVE LAND AWAITING THEM AND HE'S OPPOSED TO THEIR RETURN IF LAND IS NOT AVAILABLE. HE NOTED THAT THE INHABITANTS OF POLIGONO 14 (NOW CALLED "LA VICTORIA 20 DE ENERO") LIVE IN SORROWFUL CONDITIONS, DESPITE THE LEADERSHIP QUALITIES OF THE PERMANENT COMMISSIONS AND THE AVAILABILITY OF RESOURCES. "LA VICTORIA" IS NOW A PERMANENT REFUGEE CAMP, NOT A SETTLED COMMUNITY. HE ALSO BELIEVES THAT "LA VICTORIA" SERVES AS A RESOURCE BASE FOR THE URNG. HE WANTS TO AVOID REPLICATION OF THE "LA VICTORIA" SITUATION WITH OTHER RETURNING REFUGEES.  
SAVED BY THE ARMY

6. IN RESPONSE TO THE AMBASSADOR'S QUESTION ABOUT A REFUGEE LEADER FROM MEXICO WHO RECENTLY VISITED

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GUATEMALA UNDER UNHCR AUSPICES (AND IS PURPORTED TO BE A GUERRILLA COMMANDANTE), DE LEON REVEALED HIS PERSONAL INVOLVEMENT IN THE CASE. THE INDIVIDUAL HAD RETURNED UNDER UNHCR PROTECTION BUT MADE AN UNAUTHORIZED SIDE  
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TRIP TO HIS FORMER VILLAGE. WHEN THE LOCAL PEOPLE DISCOVERED HIS PRESENCE, A MOB FORMED, BEGAN TO BEAT HIM, AND WOULD HAVE LYNCHED HIM BUT FOR THE INTERVENTION OF POLICE AND MILITARY OFFICERS WHO ARRIVED.  
7. DESPITE THE CONVICTION IN THE COMMUNITY AND BY THE ARMY THAT THE INDIVIDUAL IS A COMMANDANTE WHO WAS RESPONSIBLE FOR SEVERAL MURDERS IN THE 1980S, DE LEON REVEALED THAT HE ORDERED THE MINISTER OF GOVERNMENT TO ARRANGE FOR THE INDIVIDUAL'S RELEASE. HE SAID HE DID SO BECAUSE HE, DE LEON, REALIZED THAT THE GOVERNMENT HAD NO SOLID EVIDENCE AGAINST THE INDIVIDUAL AND, IN ANY CASE, THE SIX-HOUR LIMITATION ON HOLDING A PERSON WITHOUT A COURT ORDER HAD PASSED. (THIS TECHNICAL REQUIREMENT IS HONORED MORE IN THE BREACH THAN THE OBSERVANCE, BUT IN THIS CASE DE LEON WAS ABLE TO USE IT TO AVOID AN INTERNATIONAL INCIDENT.) THE INDIVIDUAL WAS TURNED OVER TO UNHCR AND REMOVED TO MEXICO.  
BAHACA  
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8. THE AMBASSADOR MENTIONED THAT SHE HAD RECENTLY MET WITH JENNIFER HARBURY, THE AMCIT WIFE OF MISSING GUERRILLA LEADER EFRAIN BAHACA. FOLLOWING SOME DISCUSSION ABOUT THE RECENT EXHUMATION AND STATEMENTS MADE BY HARBURY TO THE AMBASSADOR REGARDING HER (HARBURY'S) CONVICTION THAT BAHACA REMAINS ALIVE (GUATEMALA 09845), DE LEON REVEALED THAT HE IS AWARE OF MANY CASES IN WHICH GUERRILLAS HAD DEFECTED AND BECAME AGENTS FOR THE ARMED FORCES. HE PERSONALLY HAD BEEN IN  
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TOUCH WITH SIX SUCH GUERRILLA DEFECTORS, BUT NONE OF THEM HAD BEEN DETAINED IN SO-CALLED DESTINE JAILS<sup>SM</sup> FOR ANY PERIOD OF TIME, ACCORDING TO DE LEON. WITH RESPECT TO BAHACA SPECIFICALLY, DE LEON SAID THAT WHEN HE WAS HUMAN RIGHTS OMBUDSMAN THE MINISTER OF DEFENSE HAD ASSURED HIM THAT BAHACA IS NOT BEING HELD AND THAT SUCH ASSURANCE HAS BEEN REAFFIRMED. THE AMBASSADOR REITERATED THAT SHE STILL HAS UNCERTAINTIES ABOUT THE POSSIBLE EXISTENCE OF DETAINED COMBATENTS AND THAT, IF THERE ARE ANY, AND IF BAHACA OR OTHERS ARE STILL ALIVE AND HELD, IT WOULD BE VERY IMPORTANT THAT THEY BE SAFEGUARDED. DE LEON TOOK THE POINT.  
PUBLIC MINISTRY  
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9. IN RESPONSE TO THE AMBASSADOR'S QUESTION ABOUT THE PUBLIC MINISTRY, DE LEON SAID

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PEACE PROCESS

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10. AT SEVERAL POINTS DURING THE CONVERSATION, DE LEON  
ALLUDED TO THE PEACE PROCESS. HE SAID HE WOULD LIKE TO  
MOVE MUCH FASTER TOWARD NEGOTIATIONS, BUT OTHER  
PRIORITIES, PARTICULARLY NAMING HIS KEY MINISTERS AND  
ADVISORS, THE CONSOLIDATION OF DEMOCRACY AND THE EFFORT  
TO CLEANSE INSTITUTIONS SUCH AS THE CONGRESS HAD TO TAKE  
PRIORITY. HE HOPES TO FOCUS ON MOVING HIS PEACE AGENDA  
FORWARD ONCE THE CURRENT POLITICAL CRISIS IS OVERCOME.  
HE SAID THAT HE HOPES TO GET THE UN TO "COME IN  
SERIOUSLY" AND HELP COMMENCE NEGOTIATIONS.

COMMENT

11 DE LEON, THE FORMER OMBUDSMAN, STILL HAS HUMAN  
RIGHTS MUCH ON HIS MIND AND IS AWARE OF ITS PRIORITY FOR  
US. HE ALSO APPEARS TO BE UNCOMFORTABLE THAT HE HAS NOT  
BEEN ABLE TO DEVOTE AS MUCH TIME TO HUMAN RIGHTS ISSUES,  
AS WELL AS TO THE PEACE PROCESS, AS HE WOULD LIKE, GIVEN  
THE DEMANDS ON HIM RELATED TO THE CONFRONTATION WITH  
CONGRESS AND THE SUPREME COURT, AS WELL AS THE NEED TO  
BUILD A POPULAR BASE THROUGH HIS FREQUENT TRIPS TO THE  
COUNTRYSIDE. MCAFEE

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PROG 09/09/93  
CONS:CFKEIL  
CONS:MEGRANDFIELD  
DAO:JJORE  
CONS ADM DAO POL USIS

AMEMBASSY GUATEMALA  
SECSTATE WASHDC, PRIORITY  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK  
USCINCSO QUARRY HEIGHTS PM  
DIA WASHDC

DEPT. FOR ARA/CEN, CA/OCS/EMR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: N/A  
TAGS: CASC, PHUM, PINS, PGOV, PINS, GT  
SUBJECT: JENNIFER HARBURY GOES ON PUBLIC HUNGER STRIKE

REF. GUATEMALA 9845 AND PREVIOUS

1. AFTER A SERIES OF MEETINGS WITH GOG OFFICIALS AND WITH MEMBERS OF THE OAS HUMAN RIGHTS DELEGATION CURRENTLY VISITING GUATEMALA, ANCIT JENNIFER HARBURY BEGAN A 24 HOUR A DAY PUBLIC HUNGER STRIKE SEPT. 7. HER STATED PURPOSE IS TO PRESSURE THE GUATEMALAN MILITARY TO REVEAL THE WHEREABOUTS OF HER HUSBAND, URNG MEMBER EFRAM BAMACA VELASQUE, AKA COMMANDANTE EVERARDO. HARBURY AND COMPANIONS HAVE SET UP A MAKESHIFT ALTAR WITH BANNERS AND CANDLES ON THE GRASS DIVIDER ON AVENIDA REFORMA DIRECTLY ACROSS FROM THE OLD MILITARY POLYTECHNIC SCHOOL, WHICH NOW HOUSES MILITARY CIVIC AFFAIRS OFFICES. HARBURY WAS INTERVIEWED ON RADIO AND TELEVISION ON SEPT. 7, AND WAS THE SUBJECT OF MAJOR ARTICLES IN DAILY NEWSPAPERS SEPT. 8.

2. CONOFFS HAVE UNOBTUSIVELY MET SEVERAL TIMES EACH DAY WITH HARBURY, WHO SEEMS TO BE HOLDING UP WELL DESPITE THE RAINY WEATHER AND SUFFOCATING DIESEL FUMES FROM THE CONSTANT BUS TRAFFIC. SHE REPORTS THAT WHAT SHE IS DOING IS A FAST, NOT A HUNGER STRIKE, AND THAT SHE PLANS TO MAINTAIN HER VIGIL FOR ONLY SEVEN DAYS.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/03/95  
Case ID: 95122288

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U D O S 002499

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2

SHE DRINKS WATER BUT TAKES NO NOURISHMENT, AND HAS BLANKETS AND PLASTIC SHEETS FOR SHELTER. HARBURY IS ALWAYS ACCOMPANIED BY AT LEAST ONE OTHER PERSON. HARBURY NOTED THAT SHE MADE A CONSCIOUS DECISION NOT TO ASK GUATEMALAN FRIENDS TO ACCOMPANY HER TO ELIMINATE ANY POSSIBLE DANGER OF REPRISALS AGAINST THEM AFTER SHE LEAVES GUATEMALA. HER COMPANIONS ARE PRINCIPALLY U.S. AND CANADIAN HUMAN RIGHTS WORKERS. SHE REPORTS THAT PASSING NATIONAL POLICE FREQUENTLY QUESTION HER, BUT HAVE NOT THREATENED HER IN ANY WAY. NO GUATEMALAN MILITARY PERSONNEL HAVE CONTACTED HARBURY SINCE SHE BEGAN THE VIGIL.

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4. COMMENT. HARBURY'S CALM AND LOGICAL EXPLANATION OF THE PURPOSE OF HER VIGIL, AND HER READING OF THE NAMES OF 36 URNG MEMBERS BELIEVED TO BE CLANDESTINELY HELD BY THE ARMY, MADE FOR A PERSUASIVE INTERVIEW. IT REMAINS TO BE SEEN WHETHER HER ACTIONS WILL ELICIT ANY RESPONSE FROM THE GOG OR THE MILITARY. ALTHOUGH THE PRESENCE OF THE OAS HUMAN RIGHTS DELEGATION CERTAINLY HELPS CALL ATTENTION TO HARBURY'S CAUSE, EVEN THE OAS IS OVERSHADOWED BY THE CURRENT PUBLIC FUROR OVER "DEPURACION" OF THE CONGRESS AND COURTS. END COMMENT. MCAFEEN#

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UDDS 002500

Q: What is the USG doing to prevent recurrence of such incidents?

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A: Embassy officials remain in close touch with Guatemalan officials, communicate our concerns, and ask that the circumstances of such cases be fully investigated.

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United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 08/03/95  
Case ID: 95122288

POL SECTION - - 9/10/93  
1992-95 Releasable  
Memoranda  
GUATEMALA  
#327224

Efrain Bamaca Velasquez

#### Background

a. In February 1993, Two URNG guerrillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerrillas said they saw Bamaca, a top URNG field commander believed personally close to ORPA leader Rodrigo Asturias (aka "Gaspar Ilom"), while in captivity. Bamaca disappeared after a March 12, 1992 clash with an Army unit near Retalhuleu. The URNG made inquiries concerning his whereabouts, and learned he was buried in an anonymous grave near the site of the clash.

b. The Human Rights Ombudsman assisted with exhumation arrangements last year, but then-Attorney General Acisclo Valladares appeared at the scene and suspended proceedings, allegedly because there was no way to identify the exhumed body. Amcit Jennifer Harbury, who claims she is Bamaca's common-law wife, contacted the Embassy on March 9 this year requesting assistance in determining Bamaca's whereabouts. Since then, the Defense Minister stated publicly that Bamaca is buried at the Retalhuleu grave. Harbury was reportedly among those who attended the suspended exhumation attempt in 1992, although she did not identify herself as Bamaca's wife at the time. She made arrangements for another exhumation in mid-1993. The Embassy provided appropriate consular assistance.

#### Status

An exhumation carried out August 17 indicated that Bamaca was not buried in the Retalhuleu cemetery as the GOG had maintained. After a series of meetings with GOG officials and with members of the OAS Human Rights Delegation currently visiting Guatemala, Harbury began a public hunger strike on Sept 7. Her stated purpose is to pressure the military to reveal the whereabouts of her husband and some 35 other alleged prisoners being held secretly by the military. Harbury and her companions have set up a makeshift altar with banners and candles on the grass divider on the Avenida Reforma directly across from the old military polytechnic school, which now houses the military civic affair offices. Harbury was interviewed on radio and television on Sept. 7, and was the subject of major articles in the daily newspapers. The Consulate sent a cable to the department giving further details.

#### Questions and Answers

UNCLASSIFIED

UDDS 002501

Guatemalan Army prisons? Jennifer Harbury Papers

UNCLASSIFIED

A: We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that America's Watch recently prepared a report documenting several cases in which persons claimed to have been held in secret Army jails. We have no independent information regarding the whereabouts of Mr. Bamaca, nor do we have independent information confirming or refuting the existence of clandestine prisons as alleged in the America's Watch report.

## Death threat to 24 activists

### Background

On March 26, 1993, unknown persons distributed a one-page document threatening 24 activists, journalists, and development experts with death. Amcit Rachel Garst, a development expert, was included on the list. Since March 26, there have been no violent incidents involving the 24 persons listed. Several activists and development experts -- but no journalists -- reported receiving telephonic threats against themselves and other colleagues not on the list. Development workers not listed also reported two suspicious incidents.

### Status

Please note - The Mission believes this threat has been overtaken by other events, and contacts with those involved indicate they have not been subjected to other threats since March.

### Questions and Answers

Q: What did the Embassy do in response to the threat?

A: The Embassy expressed concern about the threats to the highest levels of the Guatemalan government, and issued a public statements of support for journalists and development workers. USIS maintains regular contact with journalists.

Q: Who is behind such death threats?

A: Unfortunately, death threats are an all-too-common method of intimidation in Guatemala. Persons behind the threats are virtually never identified. In this case, as in most others, we do not know who is behind the threats.

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UDOS 002502

RELEASED

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ASIOFFREDA

21

September 13, 1993

UNCLAS GUATEMALA 10257

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 <TOR> 930910164261  
 <INTD>  
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PAGE 01 UNCLASSIFIED INA4288  
 ACTION ARA-01 GUATEN 10257 102038Z  
 INFO LOG-00 ACDA-17 AID-01 AMAD-01 CA-02 CIAE-00 C-01  
 OASY-00 DOEE-00 EB-01 HA-09 H-01 TEDE-00 INR-00  
 IO-16 LAB-04 L-03 ADS-00 HSAE-00 NSCE-00 OCS-06  
 OTC-02 ONB-01 PA-02 PH-02 PRS-01 P-01 RP-10  
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FM AMEMBASSY GUATEMALA

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USMISSION GENEVA

USMISSION USUN NEW YORK

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DIA WASHDC

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UNCLAS GUATEMALA 10257

DEPT. FOR ARA/CEM, CA/OCS/ENR/ARA AND USOAS

CINCSO FOR POLAD

E.O. 12356: N/A

&lt;TAGS&gt;

TAGS: CASC, PHUN, PINS, PCOV, PINS, GT

&lt;SUBJ&gt;

SUBJECT: JENNIFER HARBURY GOES ON PUBLIC HUNGER STRIKE  
 REF. GUATEMALA 9845 AND PREVIOUS

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PAGE 02 UNCLASSIFIED  
 <TEXT> GUATEN 10257 102038Z

1. AFTER A SERIES OF MEETINGS WITH COG OFFICIALS AND WITH MEMBERS OF THE OAS HUMAN RIGHTS DELEGATION CURRENTLY VISITING GUATEMALA, AMCIT JENNIFER HARBURY BEGAN A 24 HOUR A DAY PUBLIC HUNGER STRIKE SEPT. 7. HER STATED PURPOSE IS TO PRESSURE THE GUATEMALAN MILITARY TO REVEAL THE WHEREABOUTS OF HER HUSBAND, URGU MEMBER EFRAIN BAHACA VELASQUEZ, AKA COMMANDANTE EVERARDO. HARBURY AND COMPANIONS HAVE SET UP A MAKESHIFT ALTAR WITH BANNERS AND CANDLES ON THE GRASS DIVIDER ON AVENIDA REFORMA DIRECTLY ACROSS FROM THE OLD MILITARY POLYTECHNIC SCHOOL, WHICH NOW HOUSES MILITARY CIVIC AFFAIRS OFFICES. HARBURY WAS INTERVIEWED ON RADIO AND TELEVISION ON SEPT. 7, AND WAS THE SUBJECT OF MAJOR ARTICLES IN DAILY NEWSPAPERS SEPT. 8.

2. CONOFFS HAVE UNOBTUSIVELY MET SEVERAL TIMES EACH DAY WITH HARBURY, WHO SEEMS TO BE HOLDING UP WELL DESPITE THE RAINY WEATHER AND SUFFOCATING DIESEL FUMES FROM THE CONSTANT BUS TRAFFIC. SHE REPORTS THAT WHAT SHE IS DOING IS A FAST, NOT A HUNGER STRIKE, AND THAT SHE PLANS TO MAINTAIN HER VIGIL FOR ONLY SEVEN DAYS.

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 SHE DRINKS WATER BUT TAKES NO NOURISHMENT, AND HAS

Guatemala  
human rightsINR-1L  
Segregation

United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 08/03/95  
 Case ID: 95122288

INR INFORMATION SUPPORT SYSTEM

UNCLAS GUATEMALA 10257

U D O S 002513

September 13, 1993

UNCLAS GUATEMALA 10257

BLANKETS AND PLASTIC SHEETS FOR SHELTER. HARBURY IS ALWAYS ACCOMPANIED BY AT LEAST ONE OTHER PERSON. HARBURY NOTED THAT SHE MADE A CONSCIOUS DECISION NOT TO ASK GUATEMALAN FRIENDS TO ACCOMPANY HER TO ELIMINATE ANY POSSIBLE DANGER OF REPRISALS AGAINST

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PAGE 03 GUATEM 10257 1020382  
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PAGE 04 GUATEM 10257 1020382  
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UNCLAS GUATEMALA 10257

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E5255  
RELEASED

Text Message

Priority 2 January 31 1995 07:41 A.M.

Subject: For Amb McAfee

(received Monday 1/30/95 at 05:28 P.M.)

Select Action

- Send Reply
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- \* View Document
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1 of 1

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/29/96  
Case ID: 951222E5

UNCLASSIFIED

Guatemala  
Am Embassy  
# 329224  
Ortiz, Diane

U D O S 002534

RELEASED

P950018-2022

ES258

United States

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON

February

*Background for*  
*2:00pm mtg today*

ARLEN SPECTER, PENNSYLVANIA, CHAIRMAN  
J. ROBERT KERREY, KANSAS, VICE CHAIRMAN  
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ROBERT DOLE, KANSAS, EX OFFICIO  
THOMAS A. DASCHLE, SOUTH DAKOTA, EX OFFICIO

CHARLES BATTAGLIA, STAFF DIRECTOR  
CHRISTOPHER C. STRAUSS, MINORITY STAFF DIRECTOR  
KATHLEEN P. MOSELEY, CHIEF CLERK

The Honorable Wendy Sherman  
Assistant Secretary For Legislative Affairs  
Department of State  
Washington, D.C.

Dear Secretary Sherman:

As part of the Senate Select Committee on Intelligence's oversight responsibilities, we are writing to request copies of all demarches presented to the Government of Guatemala regarding the death of American citizen Michael Devine and the suspected death of Guatemalan guerrilla leader Efraim Bamaca Velasquez.

Because of the sensitivity of these issues, we would appreciate a response as soon as possible.

Sincerely,

*Arlen Specter*

Arlen Specter  
Chairman

*J. Robert Kerrey*

J. Robert Kerrey  
Vice Chairman

PA

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/29/96  
Case ID: 964222E5

9500-1553

0005 002537



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ES262B

RELEASED

Priority 2 February 1 1995 11:35 A.M.

!Text Message

!Subject: Harbury Demarche

(received Wednesday 2/1/95 at 11:34 A.M.)

!Select Action - Send Reply  
- Forward Message  
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1 of 1

United States Department of State  
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0005 002540

**UNCLASSIFIED**

**WANG OFFICE**

**Distribution TO:**

**Carol Murphy/ID00005-08881-01626-01049**

**Distribution CC:**

**John Keane/ID00005-08881-01048-00645**

**Leonard Kusnitz/ID00005-08881-01062-00667**

**UNCLASSIFIED**

**U D O S 002541**

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ES263

RELEASED

! Forwarded Text Message

Priority 2 February 2 1995 11:46 A.M.

! Subject: Update re Demarche

(received Thursday 2/2/95 at 10:52 A.M.)

(received Thursday 2/2/95 at 11:06 A.M.)

Amb/DCM/DAO: Cable as promised in other email; has our changes.

! Select Action - Send Reply  
- Forward Message  
- Delete Message

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1 of 1

*GUATEMALA  
#327225  
AMB Files*

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/29/95  
Case ID: 951222E5

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UNCLASSIFIED United States Department of State

Washington, D.C. 20520

E5264

RELEASED IN PART

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B2

February 2, 1995

**CONFIDENTIAL  
MEMORANDUM**

TO: DRL - John Shattuck

FROM: DRL Personnel

SUBJECT: DRL DAILY REPORT

**Multilateral Affairs (DRL/MLA)**

(U) Human Rights and the Environment: DRL/MLA, OES/ENV, IO/ESA, L/HRR and L/OES met today with Sierra Club Legal Defense Fund, the National Wildlife Federation and the Natural Heritage Council representatives to discuss a proposal for creation of a UNHRC Special Rapporteur on human rights and the environment. Department representatives highlighted U.S. commitment to both human rights and the environment and U.S. interest in exploring linkages between the two. Department participants detailed overarching U.S. concerns regarding the capacity of the Commission and the Human Rights Centre to undertake additional responsibilities and suggested that it might be more effective to ask the SYG to make a recommendation regarding the most appropriate UN bodies to examine the issue further. NGO attendees indicated they would prefer a UNHRC Special Rapporteur to a SYG analysis, but did not reject the suggestion entirely. (CEKay)

**International Labor (DRL/IL)**

B2

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-2-

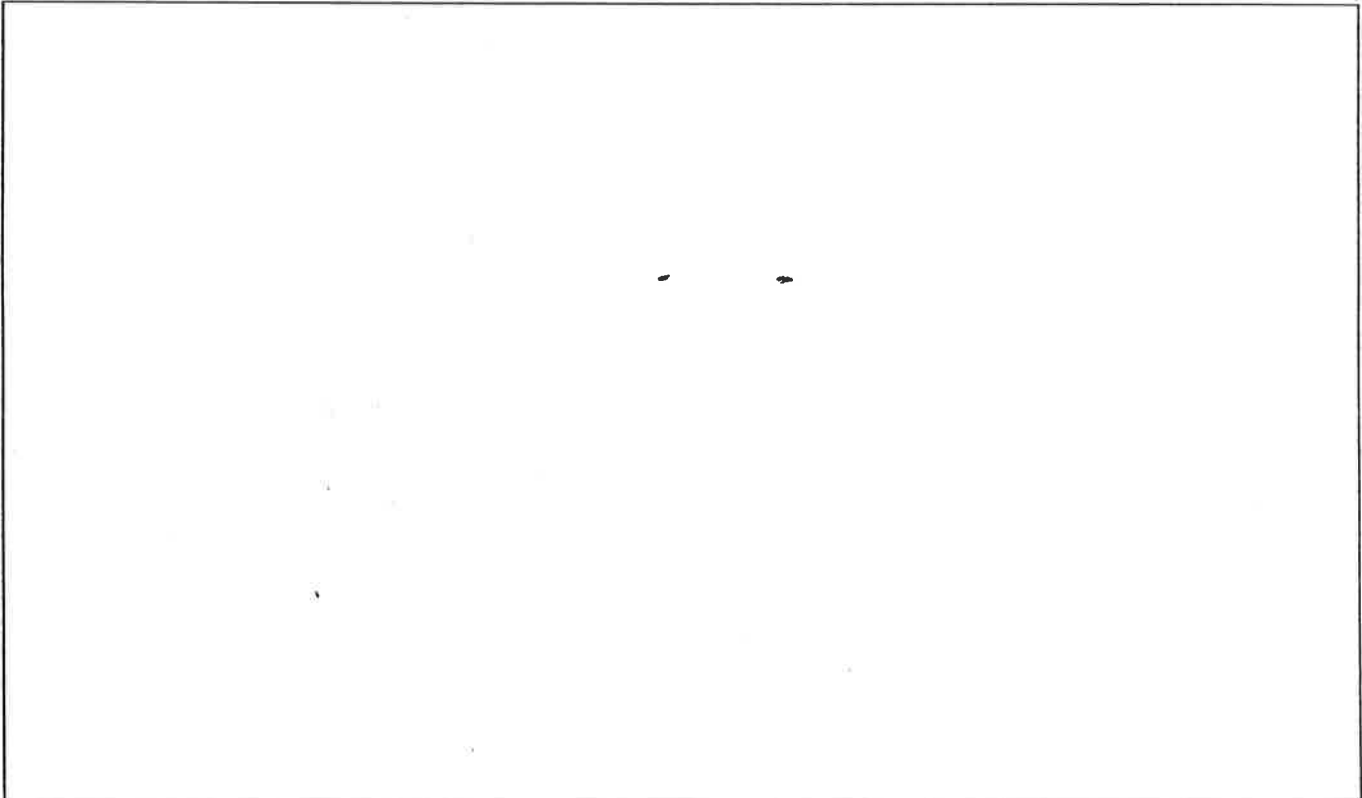
## Americas, Africa and ASIA (DRL/AAA)

(C) Indonesia: Amnesty International recently reported that imprisoned SBSI labor leader Muchtar Pakpahan is believed to be suffering from a kidney complaint, and expressed concern that he may not be receiving adequate medical treatment in detention. Apparently, other sources such as the ICFTU have also reported this.



B1

(C) AF/W Interagency Meeting: I attended AF/W's monthly meeting, which focussed on three topics: Liberia, Sierra Leone, and AFDB Reform. Amb. Dane Smith, U.S. Special Envoy to Liberia is presently traveling in the region for three weeks to promote efforts to implement the Accra Accords. Although the ceasefire had been holding since the end of December, there is at present the second impasse in a month. An invitation has been extended to Pres. Rawlings to visit the U.S. and to meet with Pres. Clinton o/a March 9th. Rawlings will be interested in getting U.S. commitments on military equipment. Regarding Sierra Leone, fighting has worsened in the past few weeks and careful thought must be given to USG security concerns. AF will schedule a meeting shortly to examine these issues.  
(RPowers)



B1

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VDOS 002545

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-3-

(S) Guatemala: A cable will go to the Embassy instructing the Ambassador to make an additional demarche regarding the Bamaca case, stating that we have received additional information with stronger information that Bamaca was captured alive, including at least the name of an officer, and demanding further action on resolving the case. (MTCurtin)

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GUATEMALA 00946

E5272

ORIGIN: CONS-1  
INFO: TOTAL-2 DCM-1 AMB-1

DISTRIBUTION: CONS  
CHARGE: PROG  
APPROVED: CONS:CFKEIL  
DRAFTED: CONS:CMGORMAN  
CLEARED: NONE

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TO SECSTATE WASHDC 8402  
BT  
UNCLAS GUATEMALA 000946

Guatemala  
Bamaca/Harbury  
Cables 1995  
Political Section  
327227

H PASS

E.O. 12356: N/A  
TAGS: CASC, GT  
SUBJECT: CONGRESSIONAL CORRESPONDENCE - HARBURY

THE HONORABLE ALFONSE D'AMATO  
UNITED STATES SENATE  
SUITE 600  
SEVEN PENN PLAZA  
370 SEVENTH AVENUE  
NEW YORK, NY 10001

DEAR SENATOR D'AMATO:

1. THANK YOU FOR YOUR LETTER OF DECEMBER 2, RECEIVED IN THIS OFFICE ON JAN. 24, 1995, IN WHICH YOU CONVEY THE INTEREST OF YOUR CONSTITUENT, REV. JOSEPH P. LA MAR, OVER THE WELFARE OF JENNIFER HARBURY AND HER GUATEMALAN HUSBAND, EFRAIN BAMACA VELASQUEZ.
2. WE HAVE REPEATEDLY RAISED THIS CASE AT THE HIGHEST LEVELS OF THE GUATEMALAN GOVERNMENT, INCLUDING THE SOLICITOR AND PROSECUTOR GENERALS, MINISTER OF DEFENSE, AND PRESIDENT DE LEON. STATE DEPARTMENT OFFICIALS IN WASHINGTON AND IN GUATEMALA HAVE MET WITH MS. HARBURY-ON SEVERAL OCCASIONS TO DISCUSS THIS CASE AND THE AMBASSADOR AND OTHER EMBASSY OFFICERS VISITED HER OFTEN DURING HER RECENT HUNGER STRIKE. OUR GOAL THROUGHOUT HAS BEEN TO OBTAIN A FULL ACCOUNTING OF WHAT HAPPENED TO MR. BAMACA.
3. IN EARLY NOVEMBER, THE GUATEMALAN SUPREME COURT ORDERED A NEW INVESTIGATION UNDER THE PRIMARY RESPONSIBILITY OF THE HUMAN RIGHTS OMBUDSMAN, ASSISTED BY THE SOLICITOR GENERAL

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GUATEMALA 00946

United States Department of State  
Office of FOI, Privacy, & Classification Review  
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Date: 10/02/96  
Case ID: 951222E6

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GUATEMALA 00946

AND THE PROSECUTOR GENERAL. PRESIDENT DE LEON HAS STATED THAT MINUGUA (THE U.N. HUMAN RIGHTS VERIFICATION MISSION) CAN HELP AS WELL. MINUGUA AND OMBUDSMAN REPRESENTATIVES CONDUCTED JOINT SEARCHES OF MILITARY INSTALLATIONS, LOOKING FOR MR. BAMACA. THE OMBUDSMAN'S SPECIAL INVESTIGATION WAS COMPLETED ON DEC. 9 AND RESPONSIBILITY FOR FURTHER INVESTIGATION HAS REVERTED TO THE ATTORNEY GENERAL'S

OFFICE.

4. MS. HARBURY ENDED HER HUNGER STRIKE NOVEMBER 11 AND RETURNED TO THE U.S., MEETING WITH NATIONAL SECURITY ADVISER ANTHONY LAKE NOVEMBER 21. SHE RETURNED TO GUATEMALA IN LATE NOVEMBER TO COOPERATE IN THE NEW INVESTIGATION AND SHE HAS STATED SHE INTENDS TO FILE A LAWSUIT AGAINST MILITARY PERSONNEL WHOM SHE SAYS WERE INVOLVED IN HER HUSBAND'S CAPTURE AND DETENTION IN 1992.

5. ON NOVEMBER 29, THE GUATEMALAN GOVERNMENT INITIATED A CIVIL LEGAL ACTION WHOSE PURPOSE IS TO REQUIRE MS. HARBURY TO FILE ANY CIVIL CHARGES WITHIN FIFTEEN DAYS (OR LOSE THE RIGHT TO DO SO SUBSEQUENTLY.) MS. HARBURY OBJECTED TO THE CHARGES AGAINST HER ON THE GROUNDS THAT HER INTENTION IS TO FILE CRIMINAL CHARGES, NOT CIVIL CHARGES. THE JUDGE IN THE CASE RULED IN FAVOR OF MS. HARBURY ON JANUARY 24 AND DISMISSED THE CASE. THE GOG HAS THE RIGHT TO APPEAL.

6. PROMOTING RESPECT FOR HUMAN RIGHTS IS AT THE TOP OF OUR BILATERAL AGENDA WITH GUATEMALA AND WE WILL CONTINUE TO BE AS HELPFUL AS WE POSSIBLY CAN TO JENNIFER HARBURY.

MCAFEE

BT

#0946

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GUATEMALA 00946

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RELEASED

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# MEMORANDUM

U.S.I.S. Guatemala  
American Embassy

DATE: February 3, 1995  
FROM: USIS/IO - John D. Roney *JDR*  
TO: The Ambassador  
SUBJECT: Update on Qs and As  
THROUGH: USIS/PAO - John ~~Davis~~ Hamill

Q.1 What about the Embassy's reaction to the judge's ordering release of 35 people jailed in the Weinstock case for lack of evidence? Do you think that justice is being done?

A. As we said yesterday, the release order caused great concern to the USG. This particular case saw the brutal beating of two U.S. citizens and we have been following very closely the disposition of the case for almost one year now. Justice must be done; the guilty must be punished according to Guatemalan law.

Q.2 Do you have any information on June Weinstock's condition?

A. Yes, I do. Though there has been some improvement in June Weinstock's physical condition, she is still severely handicapped as a result of the beating she received last year, and will continue to be so for the foreseeable future.

Q.3 Anything on Fuertes Caminos?

A. We are pleased to be able to continue the Fuertes Caminos program, this year in Jutiapa and Jalapa. The objectives of this humanitarian program are 1) to demonstrate continuing support for strengthening democracy in Guatemala; 2) to provide direct humanitarian assistance to the people of Guatemala; 3) to build ties of friendship and cooperation between Guatemala and the United States; and 4) to provide realistic overseas training for U.S. National Guard and Reserve citizen-soldiers.

Q.4 Will there be an opening ceremony this year?

A. Yes, we are working on the final details with the GOG and an announcement will be made soon.

Q.5 Do you agree with President De Leon Carpio's 31 positive points

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Guatemala  
#327225  
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UNCLASSIFIED

UDOS 002554 \_

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on Guatemala's human rights record?

A. The State Department's human rights report has just been released. Though there has been greater freedom to report, denounce, and comment on abuses by human rights monitors, there was a substantial increase in human rights violations in 1994. The international community urges all groups in Guatemalan society -- the GOG, the URNG, and others -- to refrain from human rights violations and work toward a workable peace agreement.

(If pressed)

A. Yes, there have been positive moves in human rights by the GOG, but much needs to be done by all groups in Guatemalan society to eliminate human rights violations.

Q. What about the Bamaca case? Is it true that the USG believes that the Guatemalan Government does not have Efraim Bamaca?

A. ~~The Guatemalan Government continues to investigate the Bamaca case. To date, there has been no finding on what has happened to Efraim Bamaca.~~ We continue to follow closely the disposition of this case and await the results of the GOG's investigation. Our policy remains that we support full and thorough investigations of all pending human rights cases.

Q. Do you have any comment on Guatemala's participation in the UN Mission in Haiti?

A. Guatemala's contribution of soldiers -- medical, military police and civil affairs troops -- to the multinational force in Haiti has been a positive one. Guatemalans, along with their comrades from many countries, are helping the Haitian people rebuild their democracy.

- 2 -

UNCLASSIFIED

UDDOS 002555

PRESS Harbury  
Guidance. media  
Race - ARACEN  
Guatemala  
Reg. Willingham  
2 of 3

RELEASED

E5286

We are continuing to press the Government of Guatemala for an accounting of what happened to Jennifer Harbury's husband, Efraim Bamaca, following his capture by security forces in 1992.

Following up earlier representations to the Government of Guatemala on this issue, our ambassador there met recently with senior Guatemalan officials and asked that officers stationed near the scene of Bamaca's capture be reinterviewed thoroughly about any information they might have bearing on this case.

*also asked?*  
We made the same request of MINUGUA, the U.N. human rights monitoring mission in Guatemala,

*to assist the GAG in their investigation*  
State Department officials this week met with Jennifer Harbury and apprised her of our continuing efforts to get a full accounting of what happened to her husband.

We will continue to press for a full accounting and to assist Ms. Harbury in these efforts.

We have made clear to the Government of Guatemala the importance we attach to this issue.

#### IF ASKED ANSWERS

(Specific names of officers)

It is up to the Guatemalan officers to determine the names of the officers present. We asked that all of them be questioned and I do not want to get into specific names.

(Relationship with US):

We receive many inquiries of this nature and as a matter of policy we do not comment on any of them one way or the other.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/02/95  
Case ID: 951222E6

0005 002559

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RELEASED IN PART  
B1,A5

E5291



United States Department of State  
NOT FOR THE SYSTEM

Washington, D. C. 20520  
February 8, 1995

SECRET

DECL: OADR

BRIEFING MEMORANDUM

S/S

TO: The Secretary

FROM: INR - Toby T. Gati *T. Gati*

SUBJECT: Your Meeting with Acting DCI Studeman  
Thursday, February 9, 1995 - 4:15 p.m.

Studeman will be accompanied by DDI MacEachin. I will represent INR.

We understand that Studeman may raise the following issues:

4. Harbury/Bamaca Case. Studeman would like to review where things stand following last Friday's briefings for the oversight committees and Ambassador McAfee's Monday demarche to the Guatemalan government. (Instruction and reporting cables are at Tab 2.)

- o Ambassador McAfee met with Present De Leon February 6 to register our deep concern about Bamaca's fate. She also protested that an in-depth investigation into Bamaca's whereabouts has not been undertaken.
- o Reiterating his own belief that Bamaca was dead, De Leon committed the GOG to make every effort to find Bamaca, dead or alive.

B1

United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 10/02/96  
Case ID: 951222E6

*ENR/IL*  
*Guatemala*

UNCLASSIFIED

U D O S 002563

UNCLASSIFIED

File Name: SEC-DCI-MEMO\_JMG.

UNCLASSIFIED

0005 002564

UNCLASSIFIED

RELEASED IN PART

B1,A5

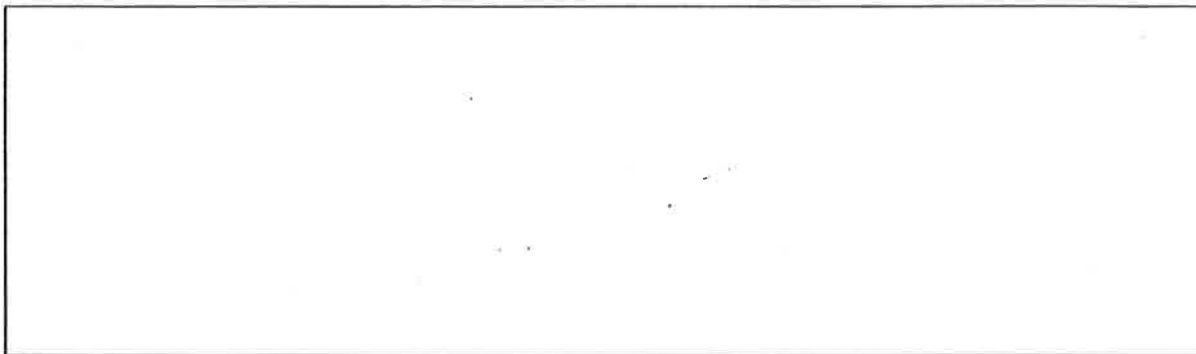
ES292

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT  
February 8, 1995  
ARA/CEN

GUATEMALA

(C) Meeting with Harbury: Patterson, Nuccio, Peay and Willingham met today with Harbury to let her know that we continue to press Bamaca's case with the GOG and to tell her specifically that we brought additional information to President De Leon's attention. She has filed FOIA requests with several USG agencies, said she will not be satisfied until she receives her husband's remains if he is not alive, and declared that she will go back on hunger strike if the USG does not impose sanctions on Guatemala. (Willingham)

COSTA RICA



B1

EL SALVADOR

(U) "Fuertes Caminos" Calmly Underway: A few positive Salvadoran press articles marked the beginning of the U.S. Army engineering exercise. About 600 troops will build schools, bridges, and wells through May 20. Unlike last year, we have received no inquiries from the Hill or public. (Griffin)

(C) INS Closer to Issuing DED Special Filing Instructions: The INS has received comments from immigration lawyers on draft asylum special filing instructions for Salvadoran DED beneficiaries. If the INS reaches agreement with the lawyers shortly, the new asylum forms could go into use by March. While a number of issues remain to be resolved, the INS expects beneficiaries will receive all told at least 120 days to file asylum requests before the September deadline. (Nichols)

Approved: JHamilton

CONFIDENTIAL

GUATEMALA  
Files  
H.M. Veloz

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/02/95  
Case ID: 951222ES

UNCLASSIFIED

VDOS 002565

UNCLASSIFIED

RELEASED

ES297

SECRET  
PROG 02-08-95  
THE AMBASSADOR  
CONS:CF KEIL  
DCM:JKEANE; POL:LKU SNI TZ  
AMB

AMEMBASSY GUATEMALA  
SECSTATE WASHDC IMMEDIATE  
INFO USCINCSO QUARRY HEIGHTS PM  
NSC WASHDC

NODIS

E.O. 12356: DECL:OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINR, GT  
SUBJECT: AMBASSADOR DISCUSSES BAMACA WITH CHIEF PROSECUTOR

REF: (A) STATE 28652  
(B) GUAT 1041

1. SECRET -- ENTIRE TEXT.

2. IN A FOLLOW-UP TO THE MEETING WITH PRESIDENT DE LEON (REF B), THE AMBASSADOR MET WITH CHIEF PROSECUTOR RAMSES CUESTAS ON FEB 8 TO CARRY OUT THE BAMACA INVESTIGATION DEMARCHE (REF A). AS A PROLOGUE TO FORMAL DEMARCHE, SHE NOTED THE USG HAD DEVELOPED ADDITIONAL INFORMATION SINCE HER NOVEMBER MEETING WITH PRESIDENT DE LEON ON THE BAMACA CASE AND THAT WE HAD PROVIDED THAT INFORMATION TO THE PRESIDENT ALONG WITH A REQUEST FOR ADDITIONAL STEPS IN THE ONGOING INVESTIGATION. THE PRESIDENT HAD AGREED THAT THE AMBASSADOR SHOULD MEET DIRECTLY WITH MINISTER OF DEFENSE ENRIQUEZ AND CUESTAS TO DIRECTLY DISCUSS WITH THEM THE NEED FOR FURTHER SPECIFIC INVESTIGATIVE STEPS IN THE CASE TO DETERMINE BAMACA'S WHEREABOUTS. IN A FEB 7 MEETING, MOD ENRIQUEZ (SEPTTEL) HAD PROMISED THE ARMY'S COOPERATION, BUT SAID IT MUST COME IN RESPONSE TO A SPECIFIC REQUEST FROM THE PUBLIC MINISTRY.

3. THE AMBASSADOR THEN ORALLY WENT THROUGH ALL THE DEMARCHE POINTS. CUESTAS REPLIED THAT THE FIREFIGHT AND ALLEGED CAPTURE/DETENTION OF BAMACA OCCURRED UNDER A PREVIOUS ADMINISTRATION, WITH DIFFERENT OFFICIALS IN CHARGE OF BOTH THE CIVILIAN AND MILITARY BRANCHES OF THE GOG. HE NEEDED SPECIFIC DETAILS ON THE TIME FRAME CONCERNED IN ORDER TO ASK THE MILITARY FOR NAMES OF OFFICERS ASSIGNED TO MILZONE 18 IN SAN MARCOS AT THE TIME. ONCE THESE OFFICERS WERE IDENTIFIED, HE WOULD ASK TO INTERVIEW THEM. IN RESPONSE, THE AMBASSADOR IDENTIFIED MARCH-JUNE 1992 AS KEY DATES AND POINTED OUT THAT ARMY MEMBERS, INCLUDING COL. ALPIREZ, HAD BEEN PUBLICLY IDENTIFIED BY SANTIAGO CABRERA AND NEEDED TO BE INTERVIEWED BY THE MP IN ADDITION TO ANY OTHERS ASSIGNED TO MILITARY ZONE 18 AT THAT TIME. THE MINISTRY SHOULD ALSO SEEK OUT OTHER MEMBERS. IN INVESTIGATION, SHE CONTINUED, INCLUDING SPEAKING TO THE JUSTICE OF THE PEACE

GUATEMALA  
LASC-Jennifer  
Harbury  
Consular Section  
#327226



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4. AFTER HEARING THIS, CUESTAS OBSERVED THAT THE PUBLIC MINISTRY HAD NOT PARTICIPATED IN THE PDH INVESTIGATION OF BAMACA'S WHEREABOUTS THAT INVOLVED THE QUESTIONING OF A NUMBER OF THESE ARMY MEMBERS. NOW THAT THE SUPREME COURT HAS RETURNED RESPONSIBILITY FOR THE BAMACA INVESTIGATION TO THE PUBLIC MINISTRY, HE WAS PREPARED TO PROCEED WITH HIS OWN SEARCH. (NOTE: THIS REMARK SEEMS TO CONFIRM THE MP HAD DONE LITTLE ON THIS CASE PRIOR TO THE AMBASSADOR'S VISIT.)

5. CUESTAS ASKED WHETHER WE COULD CITE ANY SPECIFIC SOURCES FOR THE ADDITIONAL INFORMATION REFERRED TO IN THE DEMARCHE. THE AMBASSADOR SAID NO, BUT REITERATED THAT THE INFORMATION PROVIDED TRACKED WITH THE TESTIMONY PROVIDED BY SANTIAGO CABRERA ON SEVERAL OCCASIONS AND HAS BEEN CORROBORATED. THEREFORE, WE WERE ASKING THAT HIS EFFORTS FOCUS ON INTERVIEWING COL. ALPIREZ AND OTHERS ASSIGNED TO MILZONE 18 HEADQUARTERS DURING 1992. SHE NOTED THAT MOD ENRIQUEZ HAD INDICATED HE WOULD INSTRUCT ARMY CHIEF OF STAFF GONZALEZ TARACENA TO COOPERATE IN THE INVESTIGATIVE EFFORT DURING HIS TRIP TO OSLO. CUESTAS THANKED THE AMBASSADOR FOR CLEARING THE WAY FOR COOPERATION WITH THE ARMY, AND AGREED TO CONTACT GONZALEZ TARACENA NEXT WEEK (HE PLANS TO BE AWAY FOR FOUR DAYS) TO COORDINATE TESTIMONY.

6. CUESTAS ALSO AGREED WITH THE AMBASSADOR THAT MINUGUA'S PARTICIPATION WOULD BE USEFUL TO THE GOG, BUT CAUTIONED WE MUST BE SURE THE PARAMETERS OF ITS MANDATE WERE NOT EXCEEDED. ALSO, THERE WAS A QUESTION OF THE CONSTITUTIONALITY OF SUCH A ROLE. THE AMBASSADOR INSISTED THAT THIS POINT HAD BEEN WELL ESTABLISHED ON THE BASIS THAT BAMACA MIGHT STILL BE A PRISONER. THE REPORT BY THE HUMAN RIGHTS OMBUDSMAN HAD REACHED NO CONCLUSION ON THIS. THE AMBASSADOR SAID SHE WOULD BE MEETING WITH MINUGUA TO SHARE THE INFORMATION IN THE DEMARCHE AND REQUEST ITS COOPERATION IN THE INVESTIGATION.

7. COMMENT: WE UNDERSTAND THAT LEONEL MACHUCA, THE SPECIAL PROSECUTOR ASSIGNED TO THE BAMACA INVESTIGATION DURING JENNIFER HARBURY'S HUNGER STRIKE LAST FALL, WILL CONTINUE IN THAT ROLE. IN ADDITION TO CLOSE COORDINATION WITH RAMSES CUESTAS, EMBASSY WILL WORK DIRECTLY WITH MACHUCA TO SEE THAT THE MILITARY OFFICERS IDENTIFIED AND QUESTIONED DURING THE PDH INVESTIGATION ARE RE-INTERVIEWED ABOUT EVENTS AT MILZONE 18 HEADQUARTERS DURING 1992.

MCAFEE

UNCLASSIFIED

0005 002568 -

RELEASED

January 9, 1995  
1010 Vermont Ave. N.W. 620  
Washington, D.C. 20005

E5303D

U.S. Department of State  
FOIA Coordinator  
2201 C Street, N.W.  
Washington, D.C. 20520

JAN 20 10 28 AM '95

Dear Sirs:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, et. seq. (as amended), I hereby request disclosure of the following documents for inspection and possible copying. If you consider any of these documents to be potentially exempt from the FOIA's disclosure requirements, I request that... you nonetheless exercise your discretion and disclose them. As the FOIA requires, please release all reasonably segregable, nonexempt portions of any documents you consider to be exempt. To permit me to determine whether an administrative appeal is necessary with regards to any material you may deny, please describe any withheld records, or portions thereof, and explain the basis for the exemption claimed.

As release of these documents is in the public interest, I ask that duplications costs be waived. Such documents relate directly to U.S. foreign policy, including our policies with regards to U.S. citizens in foreign countries, and our human rights positions. The general public has a right to be informed of such matters, and to understand the operations and activities of our government with respect to such issues. Should you decline to waive or reduce duplication fees, I am prepared to pay any normal reproduction costs, but please describe your reasons. I also ask that you notify me before costs over \$500.00 are incurred.

I also ask that these documents be released on an expedited basis, as a human life is at stake, and as certain due process rights will be irreversibly damaged if such documents are not promptly released. Specifically, the documents relate to the capture and secret detention of my husband, Efrain Bamaca Velasquez, a Guatemalan citizen also known as Comandante Everardo of the U.R.N.G. forces. He was captured alive by the Guatemalan army on March 12, 1992 and secretly detained and subjected to physical and mental abuse since that time. A recent U.S. Embassy demarche has confirmed these facts. My husband is in danger of imminent extrajudicial execution. Time is of the essence in saving his life. Needless to say, this is a due process matter of the most extreme nature. Furthermore, in an effort to pressure the Guatemalan army to release him, I am attempting to file criminal charges in the Guatemalan courts against those military officials involved in his abduction detention and abuse. I

United States Department of State  
Office of FOI, Privacy, & Classification Review  
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Date: 10/02/95  
Case ID: 951222E7

UDDS 002584

urgently need the requested documents to fully avail myself of the judicial system and my due process rights. Finally, expedited release of these documents is in the public interest due to the exceptional and widespread media coverage it has received (The New York Times, Boston Globe, Washington Post, 60 Minutes, CNN, People magazine, and many others have covered this case during the last several months.), and the need to restore public confidence in the integrity and conduct of our national officials. See Department of Justice Memorandum of February 1, 1994.

If necessary, I also ask that all documents be released on an interim basis as they become available to you, as opposed to waiting until all documents have been processed. If you have any questions regarding this request or any other matters, please call me at 202-783-6666. If I am out of the country, please speak directly with my attorney, Mr. Jose Pertierra, at the same number.

The following documents are requested:

Any and all records of any kind, beginning with January 1, 1992 through the present time, including but not limited to reports, memoranda, transcripts, recordings, correspondence, cables, intelligence reports, minutes, notations, commentaries, and summaries, which relate in whole or in part to:

1. The 1992 capture and ensuing detention of Efraim Bamaca Velasquez, also known as Comandante Everardo, of the U.R.N.G. forces, by the Guatemalan army. This includes, but is not limited to, the circumstances of his capture, the persons involved in his capture and/or detaining him thereafter, the places of his detention, his treatment during detention, his physical and mental well being, the purpose of his detention, any plans or opinions as to his future treatment, any witnesses and/or their statements, and reports which might lead to witnesses.
2. The efforts by U.S. government officials and agencies to investigate, evaluate, study, process, resolve, respond to, or in any other way react to the case of Efraim Bamaca Velasquez, also known as Comandante Everardo of the U.R.N.G. forces. This includes but is not limited to,
  - a. Any contacts of any kind, and any results of such contacts, between the United States government, or military representatives or agents or intermediaries thereof, and any Guatemalan governmental, military, security force or civilian persons or officials, or representatives or agents or intermediaries thereof, regarding this case.
  - b. Any contacts of any kind, and any results of such contacts, between your agency and any other U.S. agency, officials, government staff persons, military or civilian person(s) or their representatives or agents or intermediaries, regarding this case.
  - c. Any direct or indirect efforts of any nature by the U.S.

UDDS 002585

government or its representatives, agents, or intermediaries to locate Efrain Bamaca Velasquez, (Everardo), alive or dead, and the results of such efforts.

d. Any and all discussions, meetings, evaluations, suggestions, proposals, communications, policies, plans, guidelines, instructions and decisions of any nature and from any source regarding the appropriate treatment and handling of the case of Efrain Bamaca Velasquez (Everardo). This includes but is not limited to the correspondence from U.S. Ambassador Marilyn McAfee to Rep. Connie Morella, requesting removal of this case (referred to as case of Jennifer Harbury) from the U.S. House of Representatives resolution, as well as all materials, actions, suggestions, or decisions underlying or related to such request.

e. The demarche of November 1994 issued by U.S. Ambassador Marilyn McAfee as well as all information, materials, actions, meetings, instructions, decisions, policies, guidelines, and communications of any kind underlying this demarche.

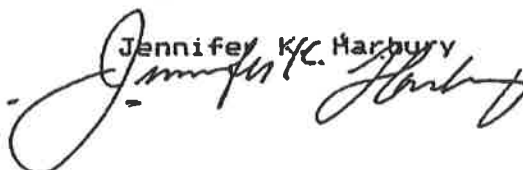
*was  
ok  
quest  
5/28/94* 3. All information of any kind from any source concerning Jennifer K. Harbury from 1992 to the present. If such records refer to earlier records, please include such referred to records as well. *{This info. is being processed under a separate request CAGE #9500374 (P.A.)}*

4. All information of any kind from any source about any unlawful activities alleged to have been committed by Efrain Bamaca Velasquez (Everardo).

5. All information of any kind about the efforts of the U.S. Central Intelligence Agency and the Federal Bureau of Investigations, and any other U.S. agency to train or educate or inform or assist in any way the Guatemalan security forces or military or police with respect to use and management of, or relations with, the media, as of January 1, 1993 through the present.

Sincerely,

Jennifer K. Harbury



0005 002586

E5320

L. E. LAURENCE Y ASOCIADOS  
Abogados

1900 West Loop South, Suite 300  
Houston, Texas 77027

14 de febrero de 1995

Sr. Thomas L. Kolker  
Abogado  
1006 East 1st Street  
Austin, Texas 78702

RE: Causa No. 93-06259; En cuanto a la cuestión del Matrimonio de Jennifer Kristina Harbury y Efraín Bámaca Velásquez; 229th Tribunal del Distrito Judicial, Condado de Travis, Texas

Estimado Sr. Kolker:

Usted se recordará que el 20 de enero de 1995 le enviamos una carta como seguimiento a nuestra reunión del día anterior relacionada con el asunto de la referencia. Una copia de esa carta se adjunta para su referencia.

El 27 de enero de 1995, recibimos una carta del Sr. Brian East, como abogado de Jennifer Harbury, que en esencia declinó responder a los fundamentos de derecho citados evidenciando así que la sentencia sobre el asunto arriba indicado es nula y, en lugar de ello, se refirió a los temas emocionales y aspectos políticos de los esfuerzos actuales de la Sra. Harbury.

A la fecha no hemos recibido ninguna respuesta de usted a nuestra carta del 20 de enero de 1995. Como abogado defensor nombrado de Efraín Bámaca Velásquez, parecería que usted tiene el deber de investigar este asunto, en la misma forma como parece que el Sr. Gibson y yo tenemos un deber, conforme a las Reglas Disciplinarias de Conducta Profesional de Texas, de informar a las autoridades disciplinarias apropiadas cuando llega a nuestra atención, como abogados, que otro abogado o juez ha cometido una violación de las reglas aplicables de conducta profesional que plantea una interrogante seria en cuanto a la honestidad, confiabilidad o aptitud de ese abogado como abogado en otros sentidos.

La revisión que hemos efectuado del proceso de la referencia y la opinión que expresamos en nuestra carta del 20 de enero de 1995, reflejan una situación que se presta a sólo una de dos conclusiones:

1. que se cometieron errores sustanciales de procedimiento que dan como resultado una sentencia nula; o
2. que se ha cometido un fraude contra el Tribunal.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/03/95  
Case ID: 951222E7

UDOS 002613

En cualesquiera de ambos casos, la cuestión de una sentencia nula deberá ser tomada en cuenta y seguir los recursos legales adecuados o el caso continuará siendo causa de vergüenza para todos los interesados.

Le agradeceríamos su respuesta al recibir la presente comunicación y, en el caso de que no la recibamos, supondremos que usted ya no tiene interés en este asunto y procederemos de conformidad.

Nuestro sistema legal y judicial en Texas ya se encuentra bajo constante crítica así que aún tenemos la esperanza de que este asunto pueda ser resuelto sin que se convierta en un asunto público. Sírvase llamar a Robert Gibson al 713/520-7117 o al suscrito al número que aparece en el membrete.

Muy atentamente,

(Firmado)  
L. E. Laurence

Robert J. Gibson  
(Firmado)

• Adjunto

cc: Honorable Jeanne W. Meurer  
Tribunal del Condado de Travis  
P. O. Box 1748  
Austin, Texas 78767-1748

Sr. Brian East  
East & Martinez, P.C.  
1405 W. 6th Street  
Austin, Texas 78703

0005 002614 -

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/03/95  
Case ID: 951222E7

E5322A

RELEASED IN PART  
B1,A5,A9

CONFIDENTIAL

Amb:

B1

[REDACTED]

As it now stands, there are two paras in the draft report (which has to be less than 30 pages) on Bamaca. There is a longer report on the case in the annex (which I did not see), though the two paras summarize its conclusions,

The two paras note Santiago Cabrera's testimony that Bamca was captured alive is supported by a "highly trustworthy" source.

B1

B1

[REDACTED]

The second of the two paras notes the inadequacies of the GOG investigation. Of note is the first para reference to the Supreme Court finding that an investigation should go forward.

The main draft report states the following (hastily written, so I may have missed a few words):

"Efrain Bamaca fue capturado por el ejercito luego de un enfrentamiento en el ano 1992. La Mision recibio informacion altamente confiable, y que corrobora otro testimonio, de que en el momento de su captura sufria de heridas leves y que fue visto con posterioridad en instalaciones militares. En noviembre de 1994, la Corte Suprema de Justicia declaro que procedia la averiguacion especial cuando, ante el frasco (?) de una peticion de exhibicion personal, "existieron motivos de sospecha suficientes para afirmar que hubiere sido detenido (la persona) o mantenida ilegalmente en detencion por un funcionario publico, miembros de las fuerzas de seguridad del Estado, o por agentes regulares o irregulares sin que se de razon de su paradero." En base a la informacion presentada, la Corte ordena la practica del procedimiento mencionado para este caso.

En el seguimiento a la investigacion de los organismos nacionales competentes, la Mision ha constatado el cumplimiento formal de su deber de investigar, pero su eficacia fue mermada por no utilizar mecanismos legales disponibles para obtener mayor informacion. La transparencia y credibilidad del proceso se vio afectada por no seguir, con la debida profundidad y celeridad, pistas directas, asi como la falta de confrontacion de contradicciones en los hechos constatados hasta la fecha. Destaca tambien la ausencia de respuesta a las solicitudes de informacion que se presentaron.

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UDDS 002620 -

gubernamentales, incluso a la misma Corte Suprema y los  
Ministerios de Defensa y Gobernación.

**UNCLASSIFIED**

Len

cc:DCM's/POL/DAO

CONFIDENTIAL

**UNCLASSIFIED**

U D O S 002621 ■



POSTED	Mexico	-	Mexico to Undertake Concrete Actions to Curb Violence and Crime Along Border with U.S.
		-	Text of Mexico-US Binational Commission Joint Communique of Working Group on Migration and Consular Affairs
	Ecuador/Peru	-	Alert to AmCits re Border Hostilities
<hr/>			
LATIN AMERICA	Ecuador/Peru	--	Cease-Fire/Military Forces/Talks in Brasilia/ Peruvian Delegation in U.S.
	Mexico	-	Chiapas Update/Human Rights Violations
		-	Economic Situation
	Haiti	-	Pres. Carter Private Visit
	Cuba	-	Migrants via Cayman Islands
	Honduras	-	Revocation of U.S. Visas, Attack on U.S. Military Officer
	Guatemala	-	New US Information on Harbury Spouse Efrain Bamaca
		-	US Assessment of Bamaca Status
	Colombia	-	Eradication of Drug Crops/Certification
<hr/>			
EAST ASIA	China	--	Intellectual Property Rights Talks
		--	Philippine Concerns re Chinese Construction on Spratly Islands/U.S. Position on Spratlys
	North Korea	-	Objection to LWR Type, Walkout Threat/Talks
	Regional	-	A/S Lord Travel to Asia (South Korea, Japan, Mongolia, China)
	Brunei	--	Arrest of AmCit Herbert McCormick/Embassy Charges
<hr/>			
EUROPE	Bosnia-Herzegovina	-	Cease-Fire Update/Convoys to Bihac
	Russia	-	Reaction to Yeltsin State of the Nation Speech
		-	Chechnya Update/Cease-Fire
		-	Congressional Letter to President Recommending Cancellation of US-Russia Summit
	Turkey	-	U.S. Support for Caspian Oil Pipeline
<hr/>			
MIDDLE EAST	Palestinian Affs.	-	Temporary Detention of Human Rights Activist Raji al-Sourani
	Egypt	-	Ban on Jerusalem Post/Extension of NPT/U.S. Assistance/Bilateral Relations
	Iraq	-	Continued Export of Oil/Sanctions
<hr/>			
MISCELLANEOUS	Department	-	Senate Budget Committee Draft Document Reducing US Foreign Aid Levels.
		-	WH Stmt on State, AID, ACDA, USIA Consolidation (Feb 15)
	Arms Control	-	Russia Reactor Sales to Iran
		-	Russia List of Military Sales to Iran

THERE WAS NO REGULAR BRIEFING TODAY

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/03/95  
Case ID: 951222EB

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0005 002628

RELEASED

007/009  
P. 21

To: <i>Alfonso Quiñones</i>	From: <i>GHRC/USA</i>
Co/Dept: <i>Custom. &amp; Border</i>	On: <i>(as you requested)</i>
Phone:	Phone:
Case: <i>743-1908</i>	Page:

STATEMENT

E5340C

Re: Case of Efraín Bámaca Velásquez  
February 14, 1995

Dear Friends,

As you are all aware, I suspended my hunger strike in front of the National Palace in Guatemala City on November 11, 1994, for two reasons. First, the United States government had formally confirmed that my husband, Efraín Bámaca Velásquez, had indeed been captured alive by the Guatemalan army in 1992. Second, I had received invitations to speak with high-level White House officials about my husband's situation, and possible solutions. I suspended my strike after thirty two days without food in the belief that my government would now save my husband's life.

During the last three months, it has become painfully clear to me that this assumption was incorrect. I have therefore decided, for the reasons discussed below, to resume my hunger strike as of March 12, 1995, the third anniversary of Efraín's capture. I cannot and will not stand by as my husband endures three years of torture in a secret prison, only to be murdered and tossed into a remote and clandestine graveyard. I must protest. I will do so in front of the White House.

I continue to receive reports, many of them credible, that my husband has been seen alive in recent months. He remains in danger of continued torture, psychological abuse, and imminent extrajudicial execution. Yet the only action by the United States government to date has been to speak privately with Guatemalan authorities. No sanctions or consequences of any kind have been issued, nor have they been promised or even threatened. Indeed, we have only recently sent our National Guard to Guatemala, and no cuts in aid or trade are under consideration. If no consequences are attached to my husband's torture and murder, then he stands no chance of survival.

Moreover, if my husband is assassinated with full impunity, despite the full and clear evidence, the U.S. Ambassador's demarche, the OAS protective orders, the denouncement of UN Special Expert Mónica Pinto, U.S. House and Senate protests, and the declarations of numerous human rights organizations, there will be extremely negative consequences for all Guatemalans. If he is murdered with impunity, the Guatemalan military leaders will know that they can get away with anything, and they will be quite correct. If he is murdered with impunity, despite everything, what Guatemalan will be safe?

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/03/95  
Case ID: 951222EB

U O O S 002641

The response of the U.S. government to this situation since last November has simply been inadequate. I have yet to receive any of the documents I have requested, although I filed Freedom of Information Act requests in January 1995 with the CIA, the FBI, the Department of State, the Department of Defense, the Defense Intelligence Agency and the Southern Command. I understand that new and possibly critical information is being received by these agencies about my husband's situation, but despite my protests of urgency I have received only a transcript of the U.S. Ambassador's press conference, and nothing more. I have instead received disturbing reports from friends about a disreputable information campaign, and efforts, to date unsuccessful, to convince certain human rights groups not to support this case. Our National Guard has been sent to Guatemala. We are continuing funding and aid to Guatemala, unchanged. Despite recent and terrible labor violations and repression, our Generalized System of Preferences status has not been cancelled for Guatemala. Our trade relations, key to the Guatemalan economy, remain untouched and unthreatened. In Guatemala, the officials have welcomed our troops and declared that the crisis over the Bámaca case has come and gone.

I will begin my hunger strike on March 12, 1995, in front of the White House and continue until concrete actions, reasonably calculated to obtain the actual presentation of my husband to the Guatemalan courts, have been taken by the United States government. Private chats, as we have seen, are quite inadequate. Surely our foreign policy cannot permit acquiescence to and acceptance of, abduction, clandestine prisons, torture, and possibly murder. As members of the international community, we must insist on respect for the basic requirements of international law. Torture and extrajudicial execution can never be tolerated, and political preference and convenience can create no exception. Human rights must apply equally to all human beings, or else be rendered meaningless.

This case represents precisely these principles. We are being tested.

I love my husband. I suspended my hunger strike for him far too soon. I must and will resume it quickly. Time is of the essence. I have been fully advised by friends and family that a second strike may well result in nothing better than the destruction of my own health. I hope, instead, that both Efraín and I will survive. However, this is not the real issue. Once again I find I have come to the end of the road in my search for him. Perhaps I can save his life and perhaps I cannot, but I must never acquiesce. This is not a matter of strategy, this is a matter of principle.

Sincerely,

Jennifer K. Harbury

VS:OFFICE

UNCLASSIFIED

11:55 am Page: 1

E5344

Intended For: DISTRIBUTION

This Item is In Progress

Author: James Lande

Subject: Bamaca/Devine: Al Cumming

To: James Lande  
Subject: Bamaca/Devine: Al Cumming

From: Anne W. Patterson  
Date Sent: 02/17/95

This is an enormous amount of material. Will ask the central system to get to work on it.

----- Original Memo -----

To: Anne W. Patterson  
Subject: Bamaca/Devine: Al Cumming

From: James Lande  
Date Sent: 02/17/95

CONFIDENTIAL

Friday 10:50

Maria, Richard, Anne--

Al Cumming still wants the Bamaca and Devine documentation. He called saying he drafted a letter for Sen. Graham's signature that formally requests "all demarches relating" to the two cases. I'll circulate an advance fax copy when it arrives.

Al said he is formally requesting similar material from CIA. My contact Ron Marks, in CIA/Leg confirms. We agreed to exchange letters when they arrive.

Jim

cc Larkin, Curran, Lodge

----- Reply -----

I agree this is enormous.

Unfortunately, staff never put more specific instruction like "all significant demarches during the two year period of x-x" into the requests.

On the other hand, I don't know how narrowly we define "demarches." The search may be broad, simply because of amount of material to sort through, but the output might be small; maybe we only demarched on the two cases several times.

Lets see the letter and then decide if a meeting to discuss this would help us structure ourselves. Jim cc Veloz -

GUATEMALA  
Files  
H.M. Veloz

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/03/95  
Case ID: 951222EB

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UDOS 002644

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DEPARTMENT OF STATE  
ARA/NEA REARCSPAGE 01 OF 03 STATE 041795 172030Z  
ORIGIN: PPA (01)

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STATE 041795 172030Z

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INFO: ARA (01) PPC (01) OAS (01) RJ (01) PDAS (01) SCO (02) BR (04)  
 EAC (01) DBSC (01) BSC (01) DCAR (01) DEP (01) DRRQ (02)  
 AMP (01) AV (01) WAFV (02) PMO (01) NWC (02) SSHC (01) MX (02)  
 SPA (01) BSTD (02) EX (01) PE (02) DAND (02) RJC (01) EC (02)  
 CH (02) LARA (01) DCEN (03) REG (01) HO (01) GT (01)  
 10/1240Z A2 RD (TOTAL COPIES: 049)

ORIGIN ARA-00

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 A-00 CG-00  
 CIAE-00 DEAE-00 OASY-00 DODE-00 DOTE-00 EB-00 EUR-00  
 H-01 TEDE-00 INR-00 INSE-00 IO-13 JUSE-00 L-00  
 ADS-00 NSAE-00 NSCE-00 OES-00 OIC-02 OIC-04 OIS-01  
 PA-02 PM-00 PRS-01 P-01 SP-00 SR-00 SSO-00  
 SS-00 TRSE-00 PMO-00 SSAN-00 DRL-00 /067R

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APPROVED BY: ARA/P: HLMCCLENNY

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FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY COPENHAGEN PRIORITY

USMISSION GENEVA PRIORITY

AMEMBASSY LISBON PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY PORT AU PRINCE PRIORITY

AMCONSUL RIO DE JANEIRO PRIORITY

AMEMBASSY THE HAGUE PRIORITY

INFO AMEMBASSY OTTAWA PRIORITY

24TH WING HOWARD AFB PA PRIORITY

USCINCLANT NORFOLK VA PRIORITY

CDR 193RD INFBN PAND FT CLAYTON PA AFZU-PO PRIORITY

NAVSTA PANAMA CANAL ZONE PA PRIORITY

USTRANS INTEL CEN SCOTT AFB IL//INOW// PRIORITY

AMCONSUL SAO PAULO PRIORITY

USIA WASHDC PRIORITY 0000

USMISSION USUN NEW YORK PRIORITY

AMCONSUL CIUDAD JUAREZ

AMCONSUL HERMOSILLO

AMCONSUL MATAMOROS

AMCONSUL MERIDA

AMCONSUL NUEVO LAREDO

USCINCSO GUARRY BTS PM

AMCONSUL TIJUANA

XMT AMEMBASSY NASSAU

AMEMBASSY PORT OF SPAIN

UNCLAS STATE 041795

ALL POSTS PLEASE PASS PAO: ROME ALSO FOR VATICAN

E.O. 12356: N/A

TAGS: OPRC

SUBJECT: ARA GUIDANCES, THURSDAY, FEBRUARY 16, 1995

ARA PRESS GUIDANCES 2/16/95:

U.S. DEPARTMENT OF STATE  
 OFFICE OF THE SPOKESMAN  
 FOR IMMEDIATE RELEASE (POSTED)  
 FEBRUARY 16, 1995

STATEMENT BY CHRISTINE SHELLEY, ACTING SPOKESMAN

-MEXICO TO UNDERTAKE CONCRETE ACTIONS TO CURB VIOLENCE  
AND CRIME AT SW BORDER-

DELEGATIONS FROM THE U.S. AND MEXICO YESTERDAY ISSUED A  
 JOINT COMMUNIQUE IN WHICH MEXICO STATES THAT IT WILL TAKE  
 SEVERAL CONCRETE ACTIONS TO CURB VIOLENCE AND CRIME ALONG  
 THE BORDER IN CALIFORNIA, TEXAS, ARIZONA AND NEW MEXICO.

THE COMMITMENTS WERE MADE DURING DISCUSSIONS ON A BROAD  
 RANGE OF MIGRATION ISSUES AT THE FIRST WORKING GROUP  
 MEETING OF THE BINACTIONAL COMMISSION HELD SINCE THE  
 INAUGURATION OF PRESIDENT ZEDILLO. THE MEETING TOOK  
 PLACE FEBRUARY 13 AND FEBRUARY 14 IN MEXICO.

- IN THE COMMUNIQUE, MEXICO STATES THAT IT WILL:

- STRENGTHEN AND EXPAND GRUPO BETA, A SUCCESSFUL LAW  
 ENFORCEMENT EFFORT THAT HAS EFFECTIVELY CURTAILED  
 CRIMINAL TRAFFICKING IN MIGRANTS AS A RESULT OF ITS  
 EFFORTS TO PREVENT VIOLENCE AGAINST THEM. THE MEXICAN  
 GOVERNMENT WILL BOLSTER THE CURRENT EFFORTS OF GRUPO BETA  
 IN SAN DIEGO AND NOGALES AND EXPAND ITS OPERATIONS TO TWO  
 OTHER BORDER CITIES.

- DEPLOY SUFFICIENT PERSONNEL AND EQUIPMENT TO ENSURE THE  
 SAFE OPERATION OF BORDER BRIDGES AND CROSSINGS,  
 PARTICULARLY IN SAN DIEGO, NOGALES, EL PASO AND LAREDO.  
 THIS EFFORT WILL ADDRESS THE SERIOUS PROBLEM OF LANE AND

PORT RUNNERS THAT HAS ARISEN IN REACTION TO STRENGTHENED  
 U.S. BORDER ENFORCEMENT.

- TAKE IMMEDIATE ACTION TO CLOSE THE REMAINING ACCESS TO  
 THE NOGALES FLOOD TUNNELS.

- WORK WITH THE U.S. TO DELINEATE PROCEDURES FOR INTERIOR  
 REPATRIATION WITHIN MEXICO OF CERTAIN ILLEGAL ALIENS.

INS COMMISSIONER DORIS NEISSNER SAID "THESE ACTIONS BY  
 MEXICO REPRESENT SIGNIFICANT PROGRESS IN OUR EFFORTS TO  
 ENSURE A BORDER THAT IS SAFE AND FUNCTIONAL."

THE U.S. INFORMED MEXICO OF THE CLINTON ADMINISTRATION'S  
 COMMITMENT TO CONTROL AND PREVENT ILLEGAL MIGRATION AND  
 FACILITATE AND SUPPORT LEGAL MIGRATION. THE PRESIDENT'S  
 FY 1996 BUDGET PROPOSAL TO BOLSTER BORDER ENFORCEMENT AND  
 RETURN OF CRIMINAL AND OTHER DEPORTABLE ALIENS WAS ALSO  
 DISCUSSED.

THE U.S. ALSO INFORMED MEXICO ON THE IMMIGRATION AND  
 NATURALIZATION SERVICE'S (INS) EFFORTS TO FACILITATE  
 NATURALIZATION AND IMPROVE BORDER CROSSING CARD ISSUANCE  
 PROCEDURES.

BOTH DELEGATIONS COMMITTED TO CONTINUED STRENGTHENING OF  
 BORDER LIAISON MECHANISMS, INCLUDING PLANS FOR MEXICO TO  
 CONVENE A REGIONAL CONFERENCE ADDRESSING MIGRATION  
 PATTERNS IN NORTH AND CENTRAL AMERICA, AND JOINT RESEARCH  
 TO BETTER UNDERSTAND THE MEXICAN-U.S. MIGRATION  
 PHENOMENON.

-UPDATE ON ECUADOR - PERU BORDER SITUATION-

Q IS THE CEASE-FIRE HOLDING?

United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 10/03/95  
 Case ID: 951222EB

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A: MILITARY ACTIVITY SEEMS TO HAVE DIMINISHED CONSIDERABLY. THERE HAVE BEEN PRESS REPORTS OF SOME VIOLATIONS OF THE CEASE-FIRE. WE HOPE BOTH SIDES WILL ABIDE BY THEIR PUBLICLY STATED COMMITMENTS TO CEASE HOSTILITIES.

Q: WAS PERU PULLED BACK ITS FORCES?

A: A COMMUNIQUE FROM THE PERUVIAN ARMED FORCES HEADQUARTERS REPORTS A LIMITED PULLBACK OF MILITARY FORCES FROM THE AREAS OF THE BORDER NOT INVOLVED IN THE CONFLICT. WE ARE UNABLE TO VERIFY THIS REPORT.

Q: HAVE MILITARY-TECHNICAL TALKS BEGUN YET IN BRASILIA?

A: MILITARY TECHNICAL TALKS RELATED TO THE GUARANTORS OBSERVER GROUP BEGAN ON FEBRUARY 15 IN BRASILIA.

Q: WITH WHOM AT STATE WILL THE PERUVIAN DELEGATION MEET TODAY?

A: FORMER PERUVIAN VICE PRESIDENT FERNANDO SCHWAB HEADS THE DELEGATION. THE OTHER MEMBERS ARE CONGRESSMAN FRANCISCO TUDELA AND ENTREPRENEUR ALBERTO BEHAVIDES.

THE GROUP IS SCHEDULED TO MEET WITH THE UNDER SECRETARY

FOR POLITICAL AFFAIRS. WE HAVE BEEN INFORMED THAT THEY ARE ALSO MEETING WITH MEMBERS OF CONGRESS AS WELL AS WITH OFFICIALS AT THE NATIONAL SECURITY COUNCIL AND THE DEPARTMENT OF DEFENSE.

-MEXICO: UPDATE ON CHIAPAS-

Q: HAS THERE BEEN ANY FIGHTING IN CHIAPAS? WHAT CREDENCE DO YOU LEAD TO ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS OR BOMBINGS OF CIVILIAN POPULATION CENTERS?

A: PRESIDENT ZEDILLO'S ORDER TO HALT THE MILITARY OFFENSIVE IN CHIAPAS HOLDS. WE HAVE NO CONFIRMED REPORTS OF CONFRONTATIONS BETWEEN MILITARY AND REBEL FORCES. (IF PRESSED: NOR DO WE HAVE ANY CONFIRMATION OF ARMY BOMBINGS OF EZLN OR CIVILIAN CENTERS IN CHIAPAS; THE GOVERNMENT HAS CATEGORICALLY DENIED THIS CHARGE.)

PRESIDENT ZEDILLO OFFERED AN AMNESTY TO REBEL TROOPS WHO LAID DOWN ARMS AND PURSUED THEIR DEMANDS THROUGH A PEACEFUL, POLITICAL PROCESS. ACCORDING TO PRESS REPORTS, THE ATTORNEY GENERAL HAS INDICATED THAT THE AMNESTY COULD BE EXTENDED TO REBEL LEADER MARGOS.

LAST NIGHT, INTERIOR MINISTER MOCTEZUMA ANNOUNCED THAT THE RESTRICTIONS ON ACCESS IN CHIAPAS HAD BEEN LIFTED. HE ALSO SAID THAT THERE HAD BEEN FULL RESPECT FOR HUMAN RIGHTS DURING THE OPERATIONS CARRIED OUT BY THE MILITARY AND ATTORNEY GENERAL'S OFFICE. HOWEVER, SOME HUMAN RIGHTS GROUPS HAVE EXPRESSED CONCERN THAT THERE HAD EXISTED A POTENTIAL FOR VIOLATIONS TO OCCUR IF HUMAN

RIGHTS MONITORS WERE NOT PRESENT.

THE MEXICAN NATIONAL COMMISSION FOR HUMAN RIGHTS HAS INCREASED THE NUMBER OF INVESTIGATORS IT HAS IN CHIAPAS AND WRITTEN TO THE ATTORNEY GENERAL SEEKING FULL COOPERATION WITH ANY INVESTIGATIONS BY THE COMMISSION. WE LOOK FORWARD TO RECEIVING REPORTS FROM THE COMMISSION OR OTHER HUMAN RIGHTS GROUPS IF THERE ARE SUBSTANTIATIONS OF RIGHTS VIOLATIONS.

-MEXICO: WHY IS ECONOMIC SITUATION NOT STABILIZING-

Q: THE PESO HAS FALLEN CONSISTENTLY IN THE PAST TEN DAYS, AND THE STOCK MARKET IN MEXICO YESTERDAY TOOK A BIG HIT. WHY ISN'T THE SITUATION STABILIZING? IS THE FINANCIAL PACKAGE GOING TO DO THE JOB?

A: THE MEXICAN ECONOMIC AND FINANCIAL SYSTEMS HAVE UNDERGONE A MASSIVE SHOCK IN THE LAST SIX WEEKS. THE DEVALUATION OF THE PESO IS BEGINNING TO REVERBERATE THROUGH THE ECONOMY. THIS IS NOT ENTIRELY SURPRISING.

THE MARKETS REMAIN SENSITIVE TO POLITICAL AND ECONOMIC EVENTS.

THE TREASURY DEPARTMENT IS WORKING TO COMPLETE THE AGREEMENTS NECESSARY TO IMPLEMENT OUR FINANCIAL PACKAGE. WE EXPECT THESE AGREEMENTS TO BE COMPLETED IN THE NEAR FUTURE. I REFER YOU TO THE TREASURY DEPARTMENT FOR FURTHER DETAILS ON THIS QUESTION.

-HAITI: CARTER VISIT-

Q: WHAT COMMENT DO YOU HAVE ON REPORTS THAT PRESIDENT CARTER WILL TRAVEL TO HAITI? WHAT ROLE WILL HE PLAY? WILL HE BE CARRYING A MESSAGE FROM THE U.S. GOVERNMENT?

A: THE CARTER CENTER HAS INFORMED THE DEPARTMENT THAT FORMER PRESIDENT AND MRS. CARTER WILL MAKE A PRIVATE VISIT TO HAITI, FROM FEBRUARY 23 TO 26. PRESIDENT CARTER IS EXPECTED TO MEET WITH PRESIDENT ARISTIDE TO DISCUSS THE UPCOMING PARLIAMENTARY AND LOCAL ELECTIONS AND INAUGURATE TREE-PLANTING AND HOUSING PROGRAMS, IN ADDITION TO OTHER ACTIVITIES. FURTHER INFORMATION ABOUT PRESIDENT CARTER'S ITINERARY MAY BE OBTAINED FROM THE CARTER CENTER OF EMORY UNIVERSITY.

PRESIDENT CARTER WILL NOT BE TRAVELLING IN ANY OFFICIAL CAPACITY, AND WILL NOT BE CARRYING A MESSAGE FROM THE U.S. GOVERNMENT. (IF PRESSED: IN 1990, THE EFFORTS OF PRESIDENT CARTER AND THE CARTER CENTER WERE INSTRUMENTAL IN ENSURING THAT THE ELECTIONS HELD THAT YEAR IN HAITI WERE FREE AND FAIR. AND, OF COURSE, HE, GENERAL POWELL, AND SENATOR NUHN LAST SEPTEMBER PLAYED A KEY ROLE IN THE RESTORATION OF DEMOCRACY IN HAITI.)

-CUBA: MIGRANTS FROM CAYMAN ISLANDS-

Q: CAN YOU PROVIDE AN UPDATE ON THE SITUATION OF THE VARIOUS GROUPS OF CUBAN MIGRANTS WHO APPARENTLY ATTEMPTED TO REACH THE U.S. FROM THE CAYMAN ISLANDS? HAVE ANY MORE BEEN DETECTED SINCE YESTERDAY?

A: FORTY-THREE CUBAN MIGRANTS WHO CAME ASHORE ON A BEACH IN WESTERN FLORIDA ON FEBRUARY 14 HAVE BEEN TAKEN TO AN INS DETENTION FACILITY. THE DISPOSITION OF THE 16 CUBANS WHO TRAVELED WITH THEM BUT WHO WERE PICKED UP BY THE U.S. COAST GUARD AT SEA WAS YET TO BE DETERMINED. THEY ARE CURRENTLY IN THE CUSTODY OF THE U.S. COAST GUARD.

ANOTHER GROUP OF 84 CUBANS WAS RESCUED ON THE HIGH SEAS IN UNSEAWORTHY VESSELS ON FEBRUARY 15. THESE CUBANS ARE CURRENTLY ABOARD A U.S. COAST GUARD CUTTER IN THE YUCATAN CHANNEL. ANOTHER VESSEL WITH 23 CUBANS ABOARD, ALSO APPARENTLY ORIGINATING IN THE CAYMAN ISLANDS, WAS DETECTED THIS MORNING.

-HONDURAS: VISAS REVOKED-

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Q: WHAT CAN YOU TELL US ABOUT REPORTS THAT AMB PRYCE IS THE OBJECT OF CRITICISM BY HONDURAN LEGISLATORS FOR PULLING THE VISAS OF HONDURAN CITIZENS ALLEGEDLY INVOLVED IN THE SHOOTING OF A U.S. MILITARY GROUP OFFICER? ANY COMMENT, IN ADDITION TO AN EXPLANATION OF THE FACTS?

A: AMB. WILLIAM PRYCE IS BEING CRITICIZED IN THE HONDURAN PRESS FOR RECOMMENDING THE REVOCATION OF THE VISAS OF 17 PERSONS. THE DEPARTMENT HAS THE AUTHORITY TO REVOKE VISAS, AND DID SO IN THIS CASE BECAUSE IT INVOLVED A VIOLENT ATTACK UPON AN INTERNATIONALLY PROTECTED PERSON. WE HAVE INFORMATION THAT LEADS US TO BELIEVE THESE PERSONS WERE AMONG THOSE PRESENT ON DECEMBER 25 WHEN A U.S. MILITARY GROUP OFFICER ATTACKED TO THE

EMBASSY WAS BEATEN AND SHOT IN FRONT OF HIS HOUSE. AMB. PRYCE RECOMMENDED THE REVOCATIONS WHEN IT BECAME OBVIOUS THAT A COVERUP WAS OCCURRING AND THE PERPETRATOR WOULD SUFFER NO SANCTION. FURTHER INVESTIGATION IS UNDER WAY IN HONDURAS. SHOULD THE INVESTIGATION RESULT IN THE PERPETRATOR BEING BROUGHT TO JUSTICE, WE WILL BE ABLE TO REVIEW THE VISA ELIGIBILITY OF THOSE WHO WERE NOT INVOLVED.

Q: HOW DID THE INFORMATION REACH THE HONDURAN PRESS?

A. THE EMBASSY DID NOT RELEASE THE INFORMATION.

-GUATEMALA: JENNIFER HARBURY-

Q: WHAT REACTION DO YOU HAVE TO JENNIFER HARBURY'S REPORTED STATEMENT THAT THE STATE DEPARTMENT HAS NEW INFORMATION SHOWING THAT THE GUATEMALAN ARMY KILLED HER HUSBAND, EFRAIN BAHACA?

A: THE U.S. GOVERNMENT HAS DEVOTED CONSIDERABLE RESOURCES AND ATTENTION TO THE CASE OF EFRAIN BAHACA. AS PART OF AN ONGOING EFFORT TO LEARN MORE ABOUT HIS FATE, WE HAVE SOUGHT INFORMATION FROM A WIDE VARIETY OF SOURCES. DURING THAT PROCESS, WE RECEIVE REPORTS OF VARYING DEGREES OF RELIABILITY ABOUT WHAT MAY HAVE HAPPENED TO HIM. ON SEVERAL OCCASIONS, BOTH IN GUATEMALA AND IN WASHINGTON, STATE DEPARTMENT OFFICIALS HAVE SHARED INFORMATION ABOUT MR. BAHACA WITH MS. HARBURY. IN A RECENT MEETING, STATE DEPARTMENT OFFICIALS ADVISED MS. HARBURY THAT WE CONTINUE TO SEEK NEW INFORMATION AND TO

SHARE IT WITH THE GOVERNMENT OF GUATEMALA TO ASSIST THEM IN RESOLVING THIS CASE.

-GUATEMALA: JENNIFER HARBURY-

Q: WHAT IS YOUR REACTION TO REPORTS THAT JENNIFER HARBURY DOES NOT BELIEVE THE STATE DEPARTMENT'S ASSESSMENT THAT HER HUSBAND IS DEAD?

A: OUR CONSIDERED ASSESSMENT IS THAT, BASED ON ALL THE INFORMATION AVAILABLE TO US IS THAT, EFRAIN BAHACA DIED, IN MILITARY CUSTODY IN 1992 AFTER A SHORT, BUT INDETERMINATE, PERIOD OF CAPTIVITY AND INTERROGATION. WE HAVE SHARED THAT ASSESSMENT WITH MS. HARBURY.

NEVERTHELESS, WE ALWAYS APPROACHED THE ISSUE WITH A PRESUMPTION THAT HE COULD STILL BE ALIVE, IN THE ABSENCE OF INCONTRIBUTABLE EVIDENCE TO THE CONTRARY. WE CONTINUE TO PURSUE THE ISSUE WITH GUATEMALAN AUTHORITIES AT THE HIGHEST LEVEL AND WILL CONTINUE TO RENDER ALL POSSIBLE ASSISTANCE TO MS. HARBURY.

CHRISTOPHER

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E5398

MEMORANDUM

March 1, 1995

TO: DCM - John Keane

FROM: CONS - Chuck Keil *OK*

GUATEMALA  
 LASC-Jennifer Harbury  
 Consular Section  
 #327226

SUBJECT: REVIEW OF HARBURY/BAMACA CABLE TRAFFIC

I have reviewed our files on Harbury/Bamaca for telegrams drafted by Consular that have been sent to the Department. The following is a chronological listing of the telegrams, their subject, and comments about the releasability of the information that they contain. Individual cables are available in files if Front Office wishes to take a second look.

<u>Telegram</u>	<u>Subject</u>	<u>Comments</u>
93 Guate 10348 Sep 93 Unclass	Roasting in Retalhuleu	mary grandfield's detailed exhumation chronology
94 Guate 705 1/21/94 Conf	Amb meeting w/JH re. Bamaca	No comment, review of case status, Amb. suggests incorporate peace talks
94 Guate 6060 6/27/94 Conf	JH returns to Guate	comprehensive summary of JH visit, refers to meetings with Amb, CG, DAO. No comment section
94 Guate 9332 10/13/94 Unclass	JH Begins Hunger Strike	Sitrep on JH's startup, reports of visits by ACS Officer and CG. Latter quoted as saying Emb has no independent evidence of Bamaca whereabouts, fate
94 Guate 9557 10/19/94 Unclass	Update on JH hunger strike	routine unclas sitrep
94 Guate 9608 10/20/94 Conf	JH Hunger Strike ready for Demonstrations	Hunger strike sitrep, no comment

United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 10/04/95  
 Case ID: 951222FO

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94 Guate 9680 10/22/94 Unclas	Harbury: Medical and Security Issues	contains critical comments by JH about Asisclo, no embassy comment
94 Guate 9977 11/3/94 Conf	Amb/Alvarez Guadamuz Discuss Bama Invest.	Comment refers to Pres, FONMIN, etc views on case. Should protect.
94 Guate 9978 11/3/94 Conf	Information on possi- ble Bamaca grave (Coatepeque)	straightforward narrative, no comment
94 Guate 10069 11/5/94 Conf	Amb. meeting w/Coali- tion Missing on Harbury	No comment-wide ranging exchange of views re. policy, options
94 Guate 10067 11/5/94 Conf	Exhumation panic and Court Hearing	Detailed narrative events leading up to aborted trip to Coatepeque
94 Guate 10212 11/9/94 Conf	Requested for meeting with VP Al Gore	Narrative of Amb's mtg. w/JH lawyer Pertierra. Review case status in U.S. We should not release comment. Re. USG on Horns of Dilemma
94 Guate 10326 11/15/94 Conf	Harbury-LaGuardia meets with Amb.	Comment re. PROC's reluctance, fears, lack of MP action
94 Guate 10853 12/5/94 Conf	Amb. Meeting w/JH Dec. 1	Discussion re. jactancia suit, JH request for all USG info. re. her case. No comment
94 Guate 11232 12/16/94 Conf	Harbury wrap-up Dec. 12	Jactancia unresolved, arraigo lifted, progress of ombuds investigation

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RELEASED

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Amb McAfee: We're in the process of notifying PM and DSAA that we're releasing GT IMET for reprogramming elsewhere. We've confirmed that this is without prejudice to FY 96 IMET (in fact the CPD with IMET for GT in it has already gone forward). Suggest you should inform the GOG as soon as possible and let them know that it's human rights: Devine and Bamaca (i.e., not Bamaca alone). Fact that we're not doing FY 95 IMET will surface at some point here in relatively near future so you will want the GOG to have heard it from us first. We'll get a cable out but you can take it as a given now that it's gone. Would suggest a cable reporting it when you've notified the GOG/military. JH  
cc: AWP, HS, PW  
DCM, POL

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 10/04/95  
Case ID: 951222FO

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Memo for: Amb McAfee

From: John Hamilton

Subject: Rep Richardson Visit

Spoke to Miguel Marquez of Richardson's staff. He wants you to know that Harbury and Amb White asked him to intervene as an intermediary between her and the GOG. Richardson sees this primarily in U.S. political terms, Marquez says. This is not to say he underestimates its importance to the peace process or that he doesn't consider the case important in its own right. But he hopes to help the Administration avoid the embarrassment of a prolonged hunger strike by Harbury, one in which three or four congressional wives are now reportedly ready to join. This includes the wife of Rep John Porter.

Richardson would be reluctant to go to Guatemala without an invitation from the GOG itself but realizes that an invitation from the Guatemalans is unlikely. In that case, he would be willing to come if he has some reasonable assurance that he could get in to see the key people (Pres, Enriquez, Gonzalez Taracena, Perez Molina, private sector leaders -- and Rios Montt). Plus, and more difficult, he would want some assurance that the Guatemalans would "give him something" on the Bamaca case if he made the trip.

Marquez alerted the Guatemalan embassy here (DCM Quinones) to the possibility of his visit. Marquez is flying to NY on Monday to speak with Jean Arnault. He knows that the President and de Vielman are not in Gt next week and that therefore the timing of a visit is probably for the week after next (week of the 12th, not week of the 5th). He asks that you:

-- alert key Guatemalans to the possibility of a visit by Richardson with a view toward paving the way for appointments (he might prefer, once a decision is made, not to have Dept or Embassy involvement in setting the app'ts up);

-- let them know Richardson's view that the hunger strike will command enormous attention and support from the media and public, creating tremendous pressure on the White House to change U.S. policy toward Guatemala.

Told him I was sure that you'd be supportive in any way possible. Offered my own view that the Guatemalans would undoubtedly see Richardson but that we've so far been unsuccessful in getting them to "give us something" (e.g. the truth) and that it would be unlikely that they would give him any such assurance in advance.

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Anne/Rick/JohnH:

DATT Col. Keller just came back from (yet another) ceremony for Gen. Santoni where he followed up on the Ambassador's earlier Bamaca conversations. The MOD said he would be happy to receive Richardson and explain to the congressman all that the GOG/army had done to clarify the case (he mentioned the three writs of habeas corpus, the collaborators, MINUGUA and making the army officers available for interviews). The DATT said Richardson was really looking for some results beyond a mere recopilation of past actions. Like what, the MOD asked? Like an explanation of what happened to Bamaca and of the disparities in our info, the DATT replied. Enriquez answered he would have nothing new to offer to Richardson, though he reiterated his willingness to see the congressman.

Len

(cc:DCM/POL/DAO/HS/PW)

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3/06/2000

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March 6, 1995

Memorandum to the Files - Bamaca

From: CONS - Chuck Keil *CK*

Subject: Conversation with Ramses Cuestas re Investigation

At the Ambassador's direction, I raised the status of the Bamaca investigation during a Monday evening telephone conversation with Ramses in the Robbins kidnapping trial. Ramses reported that Special Prosecutor Machuca had been ready to begin questioning military officers last week, but that the Army had interposed some procedural questions (venue for the questioning, etc) that had delayed the process. Cuestas, who has just returned from a visit to NYC, was meeting with his staff this morning to discuss the situation and expects to begin the questioning this week. I emphasized the need for timely action in pursuing any and all leads as to Bamaca's fate, noting that the Ambassador had made the same point to MOD Enriquez earlier in the day, whereupon the MOD had again pledged complete cooperation. Cuestas took note of our continuing concerns about a timely, comprehensive investigation, and we agreed to talk again later in the week about the progress of his efforts.

CONS:CFKeil doc 0076e

cc: Amb  
DCM  
POL  
ACS

*Guatemala  
#327225  
CONSULAR Sec*

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GUATEMALA PROJECT  
Harbury: ASDARs  
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ARA (2 of 3)

CONFIDENTIAL

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT  
ARA - Senior Advisor

White ASDAR

CC: Patterson, Hamilton, Willingham, McClenny Only

March 7, 1995

(C) GUATEMALA CONVERSATIONS WITH MULET, ROSENFELD, AND RICHARDSON. In separate conversations today with Ambassador Mulet, Washington Post editorial writer Steve Rosenfeld, and Rep. Bill Richardson, I received contrasting impressions of what lies ahead for US Guatemala policy when the Harbury hunger strike begins. Mulet

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[redacted] had suggested to the Burton subcommittee that it postpone its hearing on Guatemala to avoid attracting Harbury supporters to the hearing. (Michele heard separately from Burton staffers today that they still plan to go ahead with the hearing later next week.) Mulet is likely to return to Guatemala permanently soon (possibly as early as April) to assume the secretary generalship of his party, the UCN.

Rosenfeld, who wrote the favorable Post editorial of last November, gave Lee McClenny and me more than an hour of his time. He seemed very impressed with the enormity of the negotiation agenda being undertaken in the peace process and sympathetic to the difficulties of balancing a single human rights case with our overall goals of supporting democracy, peace, and human rights. He volunteered that he will be meeting later this week with Harbury and offered to speak again with us after that. He expressed surprise that the USG was worried about the impact of Harbury's hunger strike, since the winds of Republicanism are sweeping through town and she will be "hidden by the woman with large hair protesting the bomb." But he agreed that the presence of congressional spouses and Hollywood types would highlight her case.

Rep. Richardson expressed a desire to travel to Guatemala if it would help on Guatemala policy and protect the President, but I told him that current indications are that the army is not willing to respond. He said that he expected the White House to go "crazy" when Harbury begins her hunger strike, and that they will pressure us to pressure Marilyn to pressure the

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- 2 -

that I feared further stonewalling and a fundamental break in the relationship was also possible. He said that his meetings with Arnault and Schlittler in NYC were good and that he drew a positive impression of both and the UN role in the talks. He pressed us to say and do more publicly, especially Marilyn in Guatemala, to "protect herself." He also agreed with the possibility of reprograming IMET and announcing the ending of future Fuertes Caminos. He said that doing this in advance of Harbury's strike would leave her little to protest and protect the President from criticism. He stressed that the White House was in full campaign mode and that the President "did not need something like this." I thanked Richardson for his interest and involvement and promised to keep him informed of our plans.

RNuccio

*B. Mucio*

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ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT  
ARA - Senior Advisor

White ASDAR

CC: Patterson, Hamilton, Willingham, McClenny Only

March 8, 1995

(C) CONVERSATION WITH [REDACTED] RE GUATEMALA.

Through my [REDACTED] connections, I got a message to [REDACTED] that I hoped he would permit me to brief him on Guatemala before he came to Washington this weekend in support of Harbury's hunger strike. [REDACTED] had asked his participation.) Last night he called me at home and we spoke for more than an hour. I made a case that we are doing our best on the Bamaca case even though we remain frustrated by the results and that our overall policy of support for democracy, peace, and human rights could be jeopardized not helped by the strong, unilateral measures being urged on us by Harbury and her supporters. He asked questions about the URNG, Harbury's relationship with them, and her intentions in the hunger strike. He told me that he felt the army had to turn over the remains of Bamaca if he was indeed dead, and was dismayed when I said that even this might not be possible. He commented that the situation was much more complex than he had understood and that his participation was intended to find ways to end violence, not to continue it. He asked whether it might not be possible to have a meeting with him, Harbury, [REDACTED] and myself to discuss these differences and the best way to proceed. I told him that I and the Administration were always willing to talk about our policy, but that I doubted Harbury any longer saw me as helpful. He gave me numbers where I could reach him and said that he would be in touch with me this week.

[REDACTED]  
I mostly listened to this part of the conversation. (RNUccio)

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Washington, D. C. 20520

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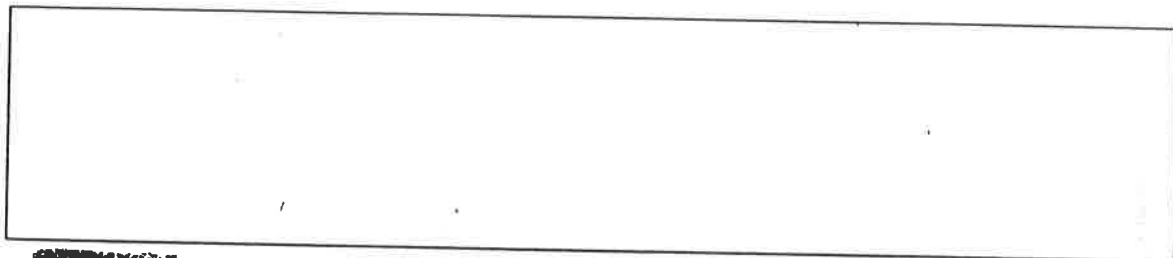
INFORMATION MEMORANDUM  
S/S

November 17, 1994

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DECL: OADR

TO : G - Mr. Wirth  
FROM : DRL - Nancy Ely-Raphel, Acting *h2-R*  
SUBJECT: Weekly Report



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~~Guatemala~~: John's trip to Guatemala got off to a rough start yesterday when Tropical Storm Gordon prevented flights out of Miami most of the day, but we expect he will complete most of a full schedule today and Friday, meeting with a wide range of private as well as official figures on human rights issues - including, but not limited to, the missing husband of Jennifer Harbury.

Haiti: The Deputies Committee Saturday morning will review the overall situation in Haiti, including the justice system, U.S. assistance, and a truth commission. Meanwhile, the political players in Haiti have not decided whether to establish a permanent or provision electoral commission, thus stalling any progress on elections.

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International Labor: There was favorable progress for U.S. interests at the November 14 meeting of the ILO Working Party on the relationship between worker rights and trade. Rather than kill the Working Party, which we opposed, delegates decided that the Working Party will continue its efforts at the March 1995 meeting of the ILO Governing Body.

Legislative Priorities: We are preparing a memorandum outlining our legislative priorities for the 104th Congress.

Human Rights Day: We are working with NSC's Richard Feinberg to incorporate a Human Rights Day commemoration into the Summit of the Americas.

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November 17, 1994

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APPROVED BY: IO: GFLWARD  
ARA: ALPATTERSON  
ARA/CEN: JRNHAMILTON  
DRL: MALVAREZ  
P: LBASSETT  
ARA/PPCP: MAHUSTED  
DRL/AAA: MCURTIN  
IO/UNP: BJBOWIE-WHITMAN  
IO/ESA: BZZWEIDEN  
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SUBJECT: GUATEMALA: INVOLVING MINUGUA IN HARBURY/BAMACA CASE

[1m<TEXT>

1. CONFIDENTIAL - ENTIRE TEXT.

2. SEE PARA 7 FOR ACTION REQUEST.

3. AMCIT JENNIFER HARBURY BEGAN A HUNGER STRIKE IN  
GUATEMALA OCTOBER 11 TO DRAW ATTENTION TO HER EFFORTS TO  
LEARN THE WHEREABOUTS OF HER HUSBAND, GUATEMALAN  
GUERRILLA LEADER EFRAIN BAMACA VELASQUEZ, AKA COMANDANTE  
EVERARDO. BAMACA HAS BEEN MISSING SINCE MARCH, 1992.

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Guatemala

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November 17, 1994

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WHEN HE WAS AT FIRST PRESUMED KILLED IN COMBAT WITH THE GUATEMALAN MILITARY. THIS CASE, WHICH IS ATTRACTING SIGNIFICANT CONGRESSIONAL AND PUBLIC INTEREST, WAS RAISED AT THE 1993 UN HUMAN RIGHTS COMMISSION (UNHRC) BY TWO GUATEMALAN GUERRILLAS, SANTIAGO CABRERA LOPEZ AND JAINE ADALTO AGUSTIN RECINOS. CABRERA AND RECINOS CLAIMED TO HAVE ESCAPED FROM A CLANDESTINE MILITARY PRISON, WHERE THEY HAD SEEN 35 OTHER GUERRILLAS. CABRERA, WHO CLAIMED TO HAVE ESCAPED FROM ARMY CUSTODY IN DECEMBER 1992, SAID HE HAD SEEN BAMACA AMONG THE 35 GUERRILLAS IN MARCH AND JUNE 1992.

4. THE GUATEMALAN GOVERNMENT HAS REPEATEDLY DENIED THAT THEY HOLD BAMACA CAPTIVE, THAT THEY HAVE CLANDESTINE  
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PRISONS, OR THAT THEY HAVE ANY INFORMATION CONCERNING BAMACA'S WHEREABOUTS. WE HAVE ALWAYS ACTED ON THE PRESUMPTION, HOWEVER, THAT BAMACA COULD BE ALIVE. ON THE BROADER ISSUE OF CLANDESTINE PRISONS RAISED BY THE BAMACA CASE, WE NOTE THAT A HUMAN RIGHTS WATCH REPORT ISSUED IN MARCH 1993 CITED THIS AND OTHER CASES THAT COULD INVOLVE CLANDESTINE DETENTION. THE 1992 AND 1993 REPORTS OF THE UNHRC HUMAN RIGHTS INDEPENDENT EXPERT CITE OTHER CASES THAT LIKEWISE COULD CONSTITUTE CLANDESTINE DETENTION.

5. WE HAVE REPEATEDLY PRESSED THE GOVERNMENT OF GUATEMALA TO INVESTIGATE THE BAMACA CASE. IN AN ENCOURAGING DEVELOPMENT, GUATEMALAN PRESIDENT DE LEON ANNOUNCED AT A PRESS CONFERENCE OCTOBER 27 THAT RAMSES CUESTAS, THE SOLICITOR GENERAL, WOULD APPOINT A SPECIAL PROSECUTOR, AND THAT HE, THE PRESIDENT, WAS APPOINTING A COORDINATOR OF THE INVESTIGATION, CESAR ALVAREZ GUADAMUZ, TO LOOK INTO THE 1992 DISAPPEARANCE OF HARBURY'S GUATEMALAN GUERRILLA HUSBAND, EFRAIN BAMACA. (TEXT OF PRESS CONFERENCE FAXED TO USUN.)

6. ALVAREZ, GUATEMALA'S AMBASSADOR TO THE OAS, WAS DE LEON'S DEPUTY WHEN DE LEON WAS HUMAN RIGHTS OMBUDSMAN; HE HAS A GOOD REPUTATION IN GUATEMALA AND ABROAD FOR HIS COMMITMENT TO HUMAN RIGHTS. DE LEON SAID THAT ALVAREZ WOULD WORK WITH THE SOLICITOR GENERAL, PROSECUTOR GENERAL ACISCLO VALLADARES, AND OTHER GOG OFFICIALS, AND THAT THE GOG WOULD "OPEN ALL DOORS" TO FACILITATE THE INVESTIGATION. HE PRIVATELY TOLD THE AMBASSADOR AND ARA SENIOR ADVISER RICHARD MUCCIO ON OCTOBER 27 THAT THE UN VERIFICATION MISSION (MINUGUA) MAY PLAY A ROLE IN LOOKING  
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PAGE 04 STATE 293768 2911072  
INTO THIS CASE. THE PROSECUTOR GENERAL ALSO HAS ANNOUNCED PUBLICLY HE WILL FILE A WRIT OF HABEAS CORPUS REGARDING BAMACA, WHICH WILL OPEN THE CASE FORMALLY IN THE COURTS. DEPARTMENT WISHES TO FOLLOW UP ON THIS ANNOUNCEMENT BY ENCOURAGING MINUGUA'S INVOLVEMENT.

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November 17, 1994

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November 17, 1994

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END TALKING POINTS.  
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Talking Points: Harbury/Bamaca

- o I was glad to hear that your health was not seriously affected by your recent hunger strike.
- o Our chief foreign policy goals in Guatemala are strengthening democracy and promoting respect for human rights. We take several approaches to tackle this challenge, including strengthening existing human rights and judicial institutions and focusing on individual cases.

Cooperating with Investigation

- o Your husband's case is obviously one of the cases that concerns us, and like you, we want to see the government of Guatemala give a full accounting of his fate.
- o As you know, there are two Guatemalan entities formally charged with investigating your husband's case: the Human Rights Ombudsman's office and the Public Ministry.
- o It will be very important to avoid loopholes where possible, and to be seen as cooperating fully with those investigations.
- o In this regard, we encourage you to provide all information and copies of documentary evidence and testimony to them which you have.
- o We urge you to cooperate fully and completely with both of these investigations, as by far the most likely channels for reaching the truth in this case. Guatemala is a very legalistic society; some actions may seem unnecessary, but failure to comply fully with all requirements may cause unnecessary delays.
- o It will also be important to comply with their formalities, such as signing certain papers prepared by the Ombudsman's office to avoid pretexts for not proceeding promptly and vigorously with the investigation.
- o Particularly important will be to assist and cooperate with MINUGUA, the UN Verification Mission in Guatemala, which we understand will be permitted by the Guatemalan government to accompany Guatemalan investigators in pursuing your husband's case once MINUGUA is officially installed.

Economic Sanctions

- o We recognize your frustrations will be great as you pursue this case.
- o However, we urge you not to seek to encourage economic sanctions as a means to move it forward.

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- o As you know, we cut off military aid four years ago on human rights grounds.
- o Nearly half of U.S. assistance to Guatemala is food aid, much of it for the poor; most of the rest meets basic human needs such as health care and literacy.
- o The remainder is focused on seeking to build civilian institutions, such as the legal system, to strengthen democracy and combat impunity. Reducing such aid will only embolden the forces seeking to prevent change.
- o Instead, further positive steps, such as the recent conversion of \$4.6 million in frozen military assistance to a peace fund, should be considered.
- o Trade sanctions, which would hurt the poorest Guatemalan workers and peasants, should also be avoided. Only a burgeoning economy will produce those pressures over the long term for real change and provide the necessary resources for the social and economic reforms that are so desperately needed.
- o Free trade is not a reward to governments but rather a goal we pursue for our own interests, which include promoting the kind of development that fosters economic and political change. Responding to human rights problems with trade sanctions is thus actually self-defeating.

### Request for USG Negotiation/Information

- o The USG has already made our strong interest in this case known to the highest levels of the Guatemalan government. A "negotiation" such as you describe presumes a belief that your husband remains alive. Unfortunately, as Ambassador McAfee told you on November 11, we have no information to indicate that your husband was alive much beyond the first few weeks after his capture.
- o Ambassador McAfee provided you with information available to us indicating that the Guatemalan military captured your husband in March 1992.
- o As for turning over all confidential information to you, we would have to look at that very carefully. There are real and necessary limitations on our ability to share information gained by intelligence means with private citizens. The information that Ambassador McAfee shared with you represents the salient facts of this case to the best of our knowledge.

### USG Actions

- o I understand that you thanked Ambassador McAfee and her staff before you left Guatemala for their extensive assistance to you.
- o In my years in and out of government, I have rarely seen an embassy go to such lengths to provide assistance in a case of this kind, and I am glad to hear that you told them that you recognize the tremendous efforts they have made.

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- o I understand that embassy staff visited you daily and that Ambassador McAfee visited you and received you in her home on eight occasions during your hunger strike, in addition to her meetings with you in Washington and Guatemala over the past 20 months.
- o I also have been told that embassy staff arranged for security patrols to check on your safety day and night and helped arrange meetings for several of your colleagues during your hunger strike, including a meeting with most of the embassy's country team on a holiday, as well as meeting at the airport and transporting another colleague, Dr. Peter Kerndt, to the exhumation several hours away from Guatemala City.
- o As you may know, the Ambassador and her staff worked through the night to get the Guatemalan government to postpone the exhumation to allow you to obtain appropriate forensic expertise. This occurred during the same week that consular and security staff at the embassy worked through the night to save another American citizen from an angry mob convinced that he was trafficking in children's organs.
- o We have repeatedly and forcefully raised our concerns about your husband's case directly with senior Guatemalan officials including, among others, the President, the Minister of Defense, the Minister of Foreign Affairs, the Attorney General, and the Guatemalan ambassador here in Washington.
- o We will continue our pressure on this case.

### Peace Process

- o We are committed to helping both sides of the Guatemalan conflict reach a peaceful resolution. As a Friend of the peace process, we see a peace accord as a first step, rather than a final step, in helping to resolve Guatemala's deep-rooted problems.
- o We are equally concerned about a recent rise in violence by the URNG, including attacks on the military, the torture and murder of an off-duty officer, the killing of a civilian passenger on a bus stopped by a URNG roadblock, and kidnappings.
- o Given your public commitment to promoting greater respect for human rights in Guatemala, your condemnation of these attacks would demonstrate your abhorrence of human rights violations by all sides in the conflict.

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Caroline A. Harcourt

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November 9, 1994

Richard Nuccio  
U.S. State Department  
fax: 202-637-0791

John Shattuck  
Ass't Secretary for Human Rights - U.S. State Department  
fax: 202-647-9519

Senator Daniel P. Moynahan  
405 Lexington Avenue  
New York, New York 10174

Congressman Jerrold Nadler  
fax: 202-225-6923

Senator Alfonse M. d'Amato  
370 Seventh Avenue - Room No. 60  
New York, New York 10001

Gentlemen:

I am writing about my cousin, Jennifer Harbury. As you no doubt know, Jennifer is on a hunger strike in Guatemala City, Guatemala -- which she began on October 11th -- in an effort to obtain information concerning (or possibly regarding the fate of) her husband, Efrain Bamaca Velasquez (Commandate Everardo). The Guatemalan army claims that Everardo shot himself; yet, eye witnesses report that Everardo is alive, detained in a prisoner of war camp (see New York Times, October 14, p. A 18 and October 19, p. A 14). Jennifer is determined to produce her husband, dead or alive.

The International Human Rights Accord, which stipulates that captured combatants must be treated humanely, went into effect on March 29. The Guatemalan government and the URNG are currently in peace negotiations, and expect to sign a peace treaty in February of 1995. I urge you to help:

- pressure the government of Guatemala to comply with the Human Rights Accord inasmuch as it relates to captured combatants -- and ensure that imprisoned combatants are not tortured and executed prior to the signing of the peace treaty.

- intercede for the life of Efrain Bamaca Velasquez, who was illegally detained and tortured, and may still be alive.

The Guatemalan army's record of human rights violations "marked by extrajudicial killings, torture, secret prisons and impunity for hideous human rights abuses" (see New York Times Editorial, November 9) is, shamefully only now, coming to light. The army's actions must come to an end. Torture, disappearances, and illegal detention are never justified.

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Your intervention is of the utmost importance -- in pressuring the Guatemalan army to comply with the Human Rights Accord, in finding out the truth about Everardo, and in saving Jennifer's life.

Very truly yours,

*Caroline Harbury*

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# Jennifer Harbury: I'm worth money (yo valgo dinero)

Estuardo Zapeta\*

**E**l domingo 6 de noviembre, la cadena de televisión norteamericana CBS, en su programa *60 Minutes*, presentó un reportaje sobre la huelga de hambre de Jennifer Harbury. *60 Minutes* es el programa de televisión más visto en Estados Unidos.

El reportaje abre con las siguientes declaraciones de Jennifer: *Mi esposo, quien es un ciudadano mayor guatemalteco, ha sido secretamente retenido y torturado por el ejército por ya casi dos años y medio. La acusación es directa: el ejército tiene a Ezequiel y lo está torturando. El (Ezequiel) está a punto de ser asesinado; él (Ezequiel) está a punto de ser muerto (por el ejército), señala Jennifer.*

*60 Minutes* continúa su presentación con lo que le pasaría a cualquier guatemalteco que se atreva a hacer lo que Jennifer está haciendo. La pregunta del reportero es interesante: *¿Qué pasaría si Jennifer fuese guatemalteca?* Un transeúnte responde a la pregunta de la siguiente manera: *En tres días el ejército le cortaría la cabeza.*

Luego *60 Minutes* da un *background* de la situación política en Guatemala: *Por 40 años, dice el reportero, el ejército guatemalteco, el cual fue puesto en el poder por nuestra CIA, ha estado procediendo con escuadrones de la muerte y tortura en masa. Resalta la frase *put in power by our CIA* porque creo interesante que exista todavía una gran aceptación de la teoría de la conspiración. La conclusión puede ser, de acuerdo con esa teoría, que el presidente Ramiro de León Carpio y el ejército son solamente agentes de la CIA. Esta teoría, aún después del fin de la Guerra Fría, todavía reina en las mentes de muchos norteamericanos y guatemaltecos.*

Y para confirmar que tal calvario no solamente lo viven los guatemaltecos sino también muchos extranjeros, la Hna. Danna Ortiz de Nuevo México, y Meredith Larsen, una observadora internacional de los Derechos Humanos, entran a escena. Las dos cuentan su historia. La Hna. Ortiz cuenta que fue violada y que su espalda fue quemada con cigarrillos ciento diez veces. Luego, Jennifer interviene señalando que el ejército dijo que en el caso de la Hna. Ortiz no tenía nada que ver y que esa institución atribuyó tal acción a un *kinsh lesbian love triangle*, o sea a un extraño problema amoroso entre tres lesbianas, una de las cuales era la Hna. Ortiz. Larsen relata cómo fue torturada. A estas alturas del programa,

creo que en la mente del televidente está la imagen que en Guatemala lo único que hacemos todos los guatemaltecos todo el día es sentarnos a pensar qué tipo de tortura inventamos para los extranjeros.

Luego Jennifer empieza una larga explicación marxista de la situación social de los guatemaltecos. Esta se presenta desde una perspectiva de lucha de clases. El argumento de ella es que el gobierno, las fuerzas armadas incluyendo a la Policía, y los dueños de las grandes plantaciones utilizan el terror como un instrumento de represión. Habiendo estado Jennifer una en la montaña no me sorprende que explique a Guatemala como se explicaba en los años sesenta.

El reportero le hace una pregunta curiosa a Jennifer: *¿Why are they (the government and the army) treating you benignly? o sea ¿Por qué ellos (el gobierno y el ejército) la están tratando benignamente?* Y la respuesta de Jennifer es tal vez una de las más interesantes de todo el reportaje: *Because they (the government and the army) want money from Washington D.C.... They want our tax dollars; it's very simple and expensive. Lo anterior traducido es: Porque ellos (el gobierno y el ejército) quieren dinero de Washington, D.C.*

... Ellos quieren los dólares que nosotros (los norteamericanos) pagamos en impuestos; es muy simple y costoso (para el gobierno y el ejército). Luego Jennifer añade, *I'm worth money. He's (Ezequiel) a poor Indian in this country. Hes worth less than nothing and I'm not gonna stand for that, lo que traducido es, Yo valgo dinero. El (Ezequiel) es un pobre indio en este país. El vale menos que nada, y yo no voy a soportar eso. Es interesante notar que para Jennifer el gobierno y el ejército guatemalteco son limosneros supeditados a la bondad y a las migajas que Washington les tire. Aquí, ella se convierte en defensora de los indios guatemaltecos.*

La vida de Ezequiel y Jennifer, narrada por Jennifer misma, suena interesante. Por 17 años Ezequiel fue comandante de la guerrilla. Ezequiel es todo para mí, dice Jennifer con la seguridad que él está vivo. De hecho, ella lo describe como *dulce, amable y humilde*. Luego ella saca una cuchara amarrada a un brazalete típico que Ezequiel mismo lejó. Esa cuchara fue el anillo de matrimonio

11-18-1994 03:13PM FROM AMERICAN EMBASSY  
United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/06/96  
Case ID: 951222D0

TO

872597

P. 03

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\*Columnista de Siglo Veintiuno

7/24/01 - Guatemala  
Pag. Willingham  
Harbury - Press Clip  
Sawish, n. 03

RELEASED

6033  
E4784



United States Department of State

Washington, D.C. 20520

UNCLASSIFIED with CONFIDENTIAL Attachment  
DECL:OADR

MEMORANDUM FOR ANTHONY LAKE  
THE WHITE HOUSE

Subject: Background Paper on Meeting with Jennifer Harbury

Attached is background information for your November 21 meeting with Jennifer Harbury.

sent 11/21

Kenneth C. Brill  
Executive Secretary

Attachments:  
As stated.

GUATEMALA  
ARA/LEN - Peg Willingham  
Memos, Harbury E-Mail  
2 of 3 (ARA)

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Date: 09/06/95  
Case ID: 951222D0

VDOS 000035

Brill Memo on Background Paper for Lake Meeting with Harbury

SFARAE LG 21047 11/18/94 x:73559

Drafted: ARA/CEN: P Willingham *W*

VDOS 000036

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Monday

11/21/94

RELEASED

10:57

C

Subject: For Shattuck Clearance

Title: For Shattuck Clearance

10

E4805

Comments:

Steve: John Shattuck asked that we e mail this draft cable to you for him first thing Mon am. Please let us know as soon as he clears. H noted that it was important (once he has cleared) to get a copy to Tony Lake before his Monday afternoon meeting with Jennifer H. Geo Chester cc: Amb, JH, PW, MC, JK, LK.

Wary -

11/22

my changes.

FR

United States Department of State  
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Date: 09/07/95  
Case ID: 95122201

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E4811

GUATEMALA: HARBURY CASE

Q: What is your comment on the Washington Post editorial on Saturday (11/19) about the Harbury/Bamaca case?

A: WE AGREE THAT HELPING BOTH PARTIES TO GUATEMALA'S

LONG-RUNNING CONFLICT NEGOTIATE A LASTING PEACE AGREEMENT  
IS THE BEST WAY TO RESOLVE OUTSTANDING HUMAN RIGHTS CASES,  
INCLUDING THE DISAPPEARANCE OF GUATEMALAN GUERRILLA EFRAIN  
BAMACA.

Q: Is anyone from the State Department involved in Jennifer Harbury's meeting today with National Security Adviser Anthony Lake and the Vice President's National Security Adviser Leon Fuerth?

A: YES. ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS AND  
LABOR JOHN SHATTUCK, WHO VISITED GUATEMALA FOR TWO DAYS  
LAST WEEK AND MET WITH PRESIDENT DE LEON AND MINISTER OF  
DEFENSE ENRIQUEZ, WILL PARTICIPATE IN TODAY'S MEETING WITH  
MS. HARBURY.

PRESS Harbury  
Guidance Media  
Race - ARA/CEN  
Guatemala  
Reg willingham  
2 of 3

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SWARAE LG 21049 11/21/95  
Drafted: ARA/CEN:PWillingham  
Cleared: ARA/CEN:JRHamilton  
ARA/CEN:HSimon  
ARA/PPCP:LMcClenny  
DRL/AAA:MCurtin  
Embassy

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Pinto. "They don't like her do they" she commented. She also

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mentioned John Arnault. Jennifer decided to postpone a decision on this step for the moment and pursue meetings with the MOD and the President.

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U D O S 000098

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ACTION: USIS-1  
INFO: POL-1 COM-1 AMB-1 TOTAL-2

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*Ben*  
*Ben*  
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INFO RUEHOT/AMEMBASSY OTTAWA PRIORITY 7773  
RHLBAAG/24TH WING HOWARD AFB PA PRIORITY  
RUCBSAA/USCINCLANT NORFOLK VA PRIORITY  
RUCOSYA/NAVSTA PANAMA CANAL RODMAN PN/PAO PRIORITY  
RUEPPAN/CDR 193RD INFBDE (PAN) FT CLAYTON PN AFZU-PO PRIORITY  
RUWSMXI/USTRANS INTEL CEN SCOTT AFB IL//INOW// PRIORITY  
RUEHSO/AMCONSUL SAO PAULO PRIORITY 2880  
RUEHIA/USIA WASHDC PRIORITY 9165  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 8756  
RUEHCJ/AMCONSUL CIUDAD JUAREZ 4785  
RUEHHM/AMCONSUL HERMOSILLO 9831  
RUEHRS/AMCONSUL MATAMOROS 6534  
RUEHRD/AMCONSUL MERIDA 8712  
RUEHNL/AMCONSUL NUEVO LAREDO 1699  
RHLBAA/USCINCSO QUARRY HTS PM  
RUEHTJ/AMCONSUL TIJUANA 5647  
XMT AMEMBASSY NASSAU  
AMEMBASSY PORT OF SPAIN  
BT  
UNCLAS SECTION 01 OF 03 STATE 314227

ALL POSTS PLEASE PASS PAO: ROME ALSO FOR VATICAN

E.O. 12356: N/A  
TAGS: OPRC  
SUBJECT: ARA GUIDANCES, TUESDAY, NOVEMBER 22, 1994

ARA PRESS GUIDANCES OF 11/22/94:

-NEWS FROM HAITI-  
NOVEMBER 22, 1994

ARISTIDE TALKS TO DIPLOMATIC CORPS: AT A BREAKFAST  
YESTERDAY TO HONOR THE RESIDENT DIPLOMATIC CORPS,  
PRESIDENT ARISTIDE PRAISED THE INTERNATIONAL COMMUNITY'S  
EFFORTS TO RESTORE DEMOCRACY IN HAITI. HE URGED THOSE

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PRESENT TO INFORM THEIR GOVERNMENTS ABOUT THE  
PRESIDENTIAL EMPHASIS ON RECONCILIATION. ARISTIDE  
SINGLED OUT THE U.S. IN HIS OPENING REMARKS, EMPHASIZING  
HIS CONVICTION THAT THE DEMOCRATIZING TURN OF EVENTS IN  
HAITI IS DUE LARGELY TO U.S. POLICY

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FIRST FORMAL AGREEMENT WITH NEW GOVERNMENT:  
STRENGTHENING HAITI'S JUSTICE SYSTEM: ON NOVEMBER 17,  
OUR EMBASSY AND USAID SIGNED A PROJECT IMPLEMENTATION  
LETTER WITH MINISTER OF JUSTICE ERNST MALEBRANCHE TO  
STRENGTHEN THE JUSTICE SYSTEM. THE ONE MILLION DOLLAR  
PROJECT FOCUSES ON: 1) TECHNICAL ASSISTANCE AND TRAINING  
TO INITIATE AN EMERGENCY TRAINING PROGRAM FOR JUDICIAL  
PERSONNEL, 2) PROCUREMENT OF EQUIPMENT FOR THE ADEQUATE  
FUNCTIONING OF THE JUDICIAL SYSTEM AND 3) ASSISTANCE AND  
TRAINING TO CONDUCT A JUSTICE SECTOR INVENTORY. THIS IS  
THE FIRST BILATERAL AGREEMENT THE US HAS SIGNED WITH ANY  
HAITIAN MINISTRY SINCE PRESIDENT ARISTIDE'S RETURN.

MNF REPORT: HAITI MORE SECURE: IN THE FIFTH REPORT TO  
THE UN SECURITY COUNCIL ON MNF OPERATIONS IN HAITI, THE  
MNF REPORTED THAT ITS FORCE LEVEL STOOD AT ABOUT 10,700  
WITH AN ADDITIONAL 823 INTERNATIONAL POLICE MONITORS FROM  
20 NATIONS. THE PERIOD FROM NOVEMBER 7 TO 20, ACCORDING  
TO THE REPORT, WAS CHARACTERIZED BY FURTHER INCREASING  
SECURITY AND STABILITY. THERE WERE NO INCIDENTS OF  
VIOLENCE DIRECTED AGAINST THE MNF AND NO INCIDENTS IN  
WHICH MNF FORCES HAD TO FIRE THEIR WEAPONS IN  
SELF-DEFENSE. THIS IMPROVED SECURITY ENVIRONMENT  
FACILITATED THE REDEPLOYMENT OF OVER 4,000 U.S. FORCES  
FROM HAITI DURING THIS PERIOD. ABOUT 14,500 WEAPONS HAVE  
EITHER BEEN PURCHASED OR CONFISCATED. ISOLATED INCIDENTS  
OF VIOLENCE AMONG HAITIANS, HOWEVER, CONTINUED.

ECONOMIC UPDATE: THE INTER-AMERICAN DEVELOPMENT  
BANK/WORLD BANK/INTERNATIONAL MONETARY FUND WORKING GROUP  
CURRENTLY IN PORT-AU-PRINCE ESTIMATES THE ECONOMIC  
RECOVERY PLAN FOR HAITI WILL REQUIRE 645 MILLION, UP  
FROM 550 MILLION. THE GROUP IDENTIFIED 180 PROJECTS  
THAT CAN BE FUNDED ONCE HAITI'S 82 MILLION IN ARREARS TO  
INTERNATIONAL FINANCIAL INSTITUTIONS IS CLEARED. ARREARS  
CLEARANCE ALSO WILL ENABLE THE IDB TO PROCEED WITH 132  
MILLION WORTH OF PROJECTS FROZEN AT THE TIME OF THE  
SEPTEMBER 1991 COUP AGAINST PRESIDENT ARISTIDE, AND THE  
WORLD BANK TO PROCEED WITH PROJECTS WORTH 104 MILLION.  
IN OTHER DEVELOPMENTS, CANADA HAS SIGNED FOUR AGREEMENTS  
WITH HAITI FOR DEVELOPMENT AID AMOUNTING TO 30 MILLION  
CANADIAN DOLLARS, AND UNICEF HAS PROMISED ABOUT 2  
MILLION IN EMERGENCY AID.

ANOTHER FUEL TANKER ARRIVES: THE SECOND FUEL TANKER

SINCE THE TRADE EMBARGO WAS LIFTED ARRIVED IN  
PORT-AU-PRINCE ON NOVEMBER 18. ITS CARGO, FINANCED BY  
USAID, CONSISTED OF 70,000 BARRELS OF GASOLINE, 110,000  
BARRELS OF DIESEL FUEL AND 40,000 BARRELS OF KEROSENE.

-HAITI: JUDICIAL SYSTEM-

Q: ANY COMMENT ON THE NEW YORK TIMES/WASHINGTON POST

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ARTICLES SUGGESTING THAT THE HAITIAN JUDICIAL SYSTEM DOES NOT FUNCTION?

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A: WE APPRECIATE THE CHALLENGES THAT HAITI FACES REBUILDING DEMOCRATIC INSTITUTIONS AND RESTORING NORMAL DEMOCRATIC PROCESSES, INCLUDING NORMAL PROCESSES OF THE JUDICIAL SYSTEM, AFTER A LONG PERIOD OF MILITARY AND AUTOCRATIC RULE. THERE ARE CLEARLY MANY PROBLEMS WITH THE JUDICIAL SYSTEM IN HAITI, AND WE ARE FULLY ENGAGED IN SUPPORTING HAITIAN EFFORTS TO RESTORE A FUNCTIONING JUDICIAL SYSTEM. U.S. ARMY RESERVE OFFICERS FROM THE CIVIL AFFAIRS BRIGADE ARE WORKING WITH HAITIAN AUTHORITIES TO SURVEY THE CURRENT STATUS OF THE THE JUDICIAL SYSTEM AND MAKE RECOMMENDATIONS FOR NEEDED IMPROVEMENTS. ADDITIONALLY, USAID HAS AN ADMINISTRATION OF JUSTICE PROGRAM FOR HAITI TO HELP IMPLEMENT THE IMPROVEMENTS THAT ARE CALLED FOR.

-HAITI: REPORT ON ABOLITION OF THE FAD'H-

Q: ANY COMMENT ON THE NEW YORK TIMES/WASHINGTON POST ARTICLES TALKING ABOUT THE POSSIBLE ABOLITION OF THE HAITIAN ARMED FORCES (FAD'H)?

A: THIS AN ISSUE FOR THE PEOPLE AND GOVERNMENT OF HAITI.

PRESIDENT ARISTIDE HAS CALLED FOR THE CREATION OF A CIVILIAN POLICE FORCE, AS SET OUT IN THE HAITIAN CONSTITUTION. THE HAITIAN PARLIAMENT IS WELL-ADVANCED IN FORMULATING LEGISLATION CREATING SUCH A CIVILIAN INSTITUTION.

PRESIDENT ARISTIDE HAS ALSO CALLED FOR A MUCH SMALLER, PROFESSIONALIZED MILITARY. THE UNITED STATES AND THE UNITED NATIONS STAND READY TO ASSIST THE GOVERNMENT OF HAITI AS IT UNDERTAKES THESE IMPORTANT TRANSFORMATIONS.

-GUATEMALA: HARBURY URGES SANCTIONS-

Q. WHAT COMMENT DO YOU HAVE ON THE REPORTS THAT JENNIFER HARBURY IS ADVOCATING SANCTIONS AGAINST GUATEMALA UNLESS AUTHORITIES THERE COOPERATE IN THE SEARCH FOR HER HUSBAND, FORMER URNG GUERRILLA COMMANDER EFRAIN BAMACA?

A. WE HAVE PRESSED -- AND WILL CONTINUE TO PRESS -- GUATEMALAN AUTHORITIES, BOTH IN THE EXECUTIVE BRANCH AND IN THE ARMED FORCES, TO CONDUCT A THOROUGH INVESTIGATION TO DETERMINE THE CIRCUMSTANCES SURROUNDING HIS DISAPPEARANCE. WE WELCOMED PRESIDENT DE LEON'S ANNOUNCEMENT, ON OCTOBER 27, OF A SPECIAL INVESTIGATION OF THE BAMACA CASE, HIS NAMING OF A COORDINATOR TO HEAD THE INVESTIGATION, THE ISSUANCE OF A NEW WRIT OF HABEAS CORPUS, AND THE JUDICIAL PROCEEDINGS NOW UNDERWAY TO LOCATE BAMACA. WE HOPE THAT THESE MEASURES WILL LEAD TO THE RESOLUTION OF THIS CASE.

THE USE OF ECONOMIC OR TRADE SANCTIONS AS A MEANS OF PRESSURING THE GUATEMALAN GOVERNMENT ON INDIVIDUAL HUMAN RIGHTS CASES RAISES DIFFICULT ISSUES. OUR ASSISTANCE

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PROGRAM FOCUSES ON BASIC HUMAN NEEDS AND SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM. IT PROVIDES VITALLY NEEDED AID THAT PROMOTES HEALTH AND CHILD SURVIVAL, JUDICIAL REFORM, MEASURES TO PROTECT THE ENVIRONMENT AND TO ENCOURAGE BROAD-BASED SUSTAINABLE DEVELOPMENT. THE SUSPENSION OF SUCH ASSISTANCE WOULD HURT THE POOREST GUATEMALANS. MILITARY AID TO GUATEMALA WAS HALTED IN 1990 BECAUSE OF CONCERN OVER HUMAN RIGHTS ABUSES.

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DETAILS OF U.S. ASSISTANCE TO GUATEMALA:

IN 1994, WE PROVIDED APPROXIMATELY 28 MILLION IN FOOD AID, 15 MILLION IN DEVELOPMENT ASSISTANCE TO PROMOTE SUSTAINABLE DEVELOPMENT, 11.5 MILLION IN ECONOMIC SUPPORT FUNDS, 2 MILLION IN COUNTERNARCOTICS ASSISTANCE, AND 36,000 IN INTERNATIONAL MILITARY EDUCATION AND TRAINING FUNDS TO PAY FOR FIVE INDIVIDUALS TO PARTICIPATE IN A COURSE ON CIVIL-MILITARY RELATIONS.

-CUBA: ESCAPES FROM GUANTANAMO-

Q: CAN YOU CONFIRM PRESS REPORTS THAT A NUMBER OF CUBANS ATTEMPTED TO ESCAPE FROM THE MIGRANT CAMPS AT GUANTANAMO BAY NAVAL BASE ON SUNDAY?

A: ON NOVEMBER 20 BETWEEN 50 AND 80 CUBAN MIGRANTS LEFT CAMP NOVEMBER AT THE GUANTANAMO BAY NAVAL BASE AND ATTEMPTED TO RETURN TO CUBAN TERRITORY. SHORTLY AFTERWARDS, A NUMBER OF EXPLOSIONS WERE HEARD; CAMP GUARDS SAW A NUMBER OF PERSONS EITHER KILLED OR WOUNDED IN THE MINEFIELDS IN CUBAN TERRITORY. THE BODY OF ONE OTHER MIGRANT WHO DROWNED WHILE ATTEMPTING TO SWIM TO CUBAN TERRITORY WAS ALSO RECOVERED.

THESE INCIDENTS POINT UP THE CONSEQUENCES OF THE CUBAN GOVERNMENT'S DELAY IN ARRANGING THE RETURN OF CUBANS WHO VOLUNTEER TO RETURN FROM U.S. SAFE HAVENS. SINCE THE SEPTEMBER 9 MIGRATION AGREEMENT, WHICH CALLS FOR SUCH VOLUNTARY RETURNS TO BE ARRANGED THROUGH DIPLOMATIC CHANNELS, WE HAVE NOTIFIED THE CUBAN GOVERNMENT THAT MORE THAN 1,000 MIGRANTS IN GUANTANAMO HAVE EXPRESSED A DESIRE TO RETURN TO THEIR HOMES. TO DATE THE CUBAN GOVERNMENT HAS ONLY ALLOWED 82 TO BE RETURNED. SUBSTANTIALLY GREATER NUMBERS HAVE ATTEMPTED TO RETURN USING UNSAFE, DISORDERLY MEANS.

CHRISTOPHER

BT

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AmEmbassy  
Guatemala  
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Banaca/Harbury  
1992 - Jan 1995 Cables

United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 09/07/95  
Case ID: 95122201

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E4821

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*[Handwritten signature]*

'94 NOV 22 P5:24

S/S 9425789

Date November 22, 1994

FOR: Mr. William Itoh  
Executive Secretary  
National Security Council Staff  
The White House

*Jennifer Harbury*  
*"search for husband"*

REFERENCE:

To: President Clinton  
From: Lisa and Ethan Lerner  
Date: October 25, 1994  
Subj: Welfare of Jennifer and her husband, Efrain Bamaca Velasquez.

WH Referral Dated: November 8, 1994  
NSCS ID# (if any):

☐ The attached item was sent directly to the Department of State.

ACTION TAKEN:

- ☐ A draft reply is attached.  
☐ A draft reply will be forwarded.  
☐ A translation is attached.  
☒ An information copy of a direct reply is attached.  
☐ We believe no response is necessary for the reason cited below.  
☐ The Department of State has no objection to the proposed travel.  
☐ Other (see remarks).

REMARKS:

Drafted: ARA/CEN: JConner  
Cleared: ARA/CEN: HVS

VDOS 000104

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/07/95  
Case ID: 951222D1

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*Sharon D. Bauer*  
Director  
Secretariat Staff

The Harbury Impact *Benson*  
*E4822*

The spectacle of a photogenic American woman fasting in front of Guatemala's National Palace to publicize her demand for the return of her guerrilla husband by his military captors is over.

But Jennifer Harbury, a Harvard lawyer and a human rights social worker, will be back with a criminal lawsuit against Defense Minister Gen. Mario Enríquez for covering up the guerrilla's fate and a number of other officers accused of torturing Efraín Bámaca Velásquez and keeping him in custody.

**Official Story**

Enríquez and the civilian sector of the government headed by President Ramiro de León Carpio have insisted that Bámaca was wounded in a March 12, 1992 firefight with the army and shot himself in the head rather than submit to capture.

Yet in December of the same year, Santiago Cabrera, a guerrilla who had been in military custody since 1991, escaped and told foreign diplomats and human rights agencies that he had seen Bámaca at the army base of Santa Ana Berlín alive and handcuffed to an iron cot.

(Meanwhile, a U.S. State Department spokeswoman concurred that available information from a variety of sources, including the CIA, indicate that Bámaca, lightly wounded, was seized alive by the army and not killed in battle.)

This was when Harbury plunged into the case to free her

reportedly imprisoned husband.

She is no longer certain of his condition, but is demanding tangible proof that he was killed in battle, as the government says, or, if still alive, his immediate freedom from clandestine detention.

**Other Bodies**

The government has pointed out three graves of slain guerrillas, but the remains found in them did not resemble Miss Harbury's description of her husband's dental records nor other characteristics.

In the latest two disinterments, she was accompanied by a team of experienced foreign forensic anthropologists.

At that point, she ended her 32-day fast and took the next plane to Washington where she is continuing her campaign against military impunity in Guatemala, a dangerous cause for which many Guatemalans have died or fled into exile.

But perhaps being a "gringa"—and now internationally known thanks to the media interest—it might be safer for Jennifer Harbury to fight for the rule of law in Guatemala than for a Guatemalan to do so.

**The Marriage Issue**

The government and several local press articles made every effort to denigrate Harbury, contending she was not "legally" married to Bámaca. But Texas recognizes common law unions and issues certificates to those

who ask for them.

Jennifer has a perfectly valid marriage certificate—as though that were a relevant point in a nation where an estimated 60 percent of the population is born out of wedlock.

(Former President Julio Méndez Montenegro, a father of two teenagers, married his first lady, Sara de la Hoz, only days before his inauguration. The allergy to wedding bells is also reported to be rampant among army officers.)

Harbury was further charged with being a guerrilla agent. At the moment she is an "agent" of anyone "disappeared" without due process in Guatemala.

Regarding her personal sentiments, critics should not expect a woman who married a guerrilla to be an enthusiastic supporter of the Guatemalan army.

**Geneva Rules**

Battle killings are permitted under the Geneva Treaties that Guatemala has signed. But torture, extrajudicial execution, and clandestine imprisonment are not.

International publicity generated by Jennifer Harbury's case, especially the Mike Wallace interview on 60 Minutes, has been damaging to the reputation of the Guatemalan government and its dominant military sector.

But the army can wriggle out of it by producing either Bámaca or his body—unless there now exist unreported clandestine crematoria.

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!Text Message		Priority 2 November 22 1994 10:46 A.M.	
!Subject: Bamaca/Urgent request			
(received Tuesday 11/22/94 at 10:17 A.M.)			
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Date: 09/07/95  
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B6

United States Department of State

E4844A 2



P950713-1227

Washington, D.C. 20520

November 29, 1994

Ms. Shirley L. Dickens

B6

Dear Ms. Dickens:

Thank you for your letter of November 28 to President Clinton about the welfare of Jennifer Harbury and her Guatemalan national husband, Efraim Samaca Velasquez. The White House has asked that I reply on behalf of the President.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

Due to the strong interest in the case, the Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in 30 days.

Mr. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992. On November 21 Ms. Harbury met in Washington with National Security Advisor Anthony Lake to discuss the case.

Based on all the information available to us, we believe that Efraim Samaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

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Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.

Sincerely,

*John R. Hamilton*

John R. Hamilton  
Director  
Office of Central American Affairs

Enclosure: correspondence returned.

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GUATEMALA: HARBURY URGES SANCTIONS

Q. What comment do you have on the reports that Jennifer Harbury is advocating sanctions against Guatemala unless authorities there cooperate in the search for her husband, former URNG guerrilla commander Efraim Bamaca?

Jennifer  
Harbury  
"search for  
husband"

A. -- WE HAVE PRESSED -- AND WILL CONTINUE TO PRESS -- GUATEMALAN AUTHORITIES, BOTH IN THE EXECUTIVE BRANCH AND IN THE ARMED FORCES, TO CONDUCT A THOROUGH INVESTIGATION TO DETERMINE THE CIRCUMSTANCES SURROUNDING HIS DISAPPEARANCE. WE WELCOMED PRESIDENT DE LEON'S ANNOUNCEMENT, ON OCTOBER 27, OF A SPECIAL INVESTIGATION OF THE BAMACA CASE, HIS NAMING OF A COORDINATOR TO HEAD THE INVESTIGATION, THE ISSUANCE OF A NEW WRIT OF HABEAS CORPUS, AND THE JUDICIAL PROCEEDINGS NOW UNDERWAY TO LOCATE BAMACA. WE HOPE THAT THESE MEASURES WILL LEAD TO THE RESOLUTION OF THIS CASE.

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**- THE USE OF ECONOMIC OR TRADE SANCTIONS AS A MEANS OF PRESSURING THE GUATEMALAN GOVERNMENT ON INDIVIDUAL HUMAN RIGHTS CASES RAISES DIFFICULT ISSUES. OUR ASSISTANCE PROGRAM FOCUSES ON BASIC HUMAN NEEDS AND SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM. IT PROVIDES VITALLY NEEDED AID THAT PROMOTES HEALTH AND CHILD SURVIVAL, JUDICIAL REFORM, MEASURES TO PROTECT THE ENVIRONMENT AND TO ENCOURAGE BROAD-BASED SUSTAINABLE DEVELOPMENT. THE SUSPENSION OF SUCH ASSISTANCE WOULD HURT THE POOREST GUATEMALANS. MILITARY AID TO GUATEMALA WAS HALTED IN 1990 BECAUSE OF CONCERN OVER HUMAN RIGHTS ABUSES.**

### **DETAILS OF U.S. ASSISTANCE TO GUATEMALA**

**IN 1994, WE PROVIDED APPROXIMATELY \$28 MILLION IN FOOD AID, \$15 MILLION IN DEVELOPMENT ASSISTANCE TO PROMOTE SUSTAINABLE DEVELOPMENT, \$11.5 MILLION IN ECONOMIC SUPPORT FUNDS, \$2 MILLION IN COUNTERNARCOTICS ASSISTANCE, AND \$36,000 IN INTERNATIONAL MILITARY EDUCATION AND TRAINING FUNDS TO PAY FOR FIVE INDIVIDUALS TO PARTICIPATE IN A COURSE ON CIVIL-MILITARY RELATIONS.**

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!Text Message

Priority 2 November 22 1994 01:49 P.M.

!Subject: Bamaca/Urgent request

(received Tuesday 11/22/94 at 01:42 P.M.)

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1 of 1

United States Department of State  
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327225  
AMEMBASSY GUATEMALA  
POL SECTION - 1995-95  
RELEASABLE E-MAIL

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**WANG OFFICE**

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**UDDS 000154**

SUPPORT OF THE ARMY. EVEN THE TWO OFFICERS NAMED BY EX-GUERRILLA SANTIAGO CABRERA HAVING TORTURED BAMACA COULD BE MADE AVAILABLE TO TESTIFY. DR. NUCCIO ASKED GEN ENRIQUEZ IF HE OR ANYONE HAD QUESTIONED THE TWO OFFICERS ABOUT THE ALLEGATIONS OF CABRERA. GEN ENRIQUEZ RESPONDED THAT HE HAD NOT.

16. GEN ENRIQUEZ ADDED THAT HE PERSONALLY BELIEVES THAT BAMACA IS DEAD. AROUND THE TIME OF THE DISAPPEARANCE, HE HAD HEARD TALK THAT BAMACA HAD BEEN KILLED IN COMBAT; BUT HE WAS NOT IN A POSITION TO BE INFORMED OF SUCH THINGS AT THE TIME. GEN ENRIQUEZ EXPLAINED THAT DURING A CONFLICT, THERE IS COMPARTMENTALIZATION BY BOTH THE GUERRILLAS AND THE ARMY. AS A RESULT THERE COULD BE A SMALL, SELECT GROUP OF OFFICERS WHO KNOW MORE ABOUT THE BAMACA CASE THAN HE DOES.

#### RODRIGO ASTURIAS' OFFER

17. GEN ENRIQUEZ ADDED THAT THE ORPA LEADER, RODRIGO ASTURIAS, HAD SENT A MESSAGE TO HIM FROM MEXICO VIA BG PINEDA, COPAZ MEMBER AND VICE-CHIEF OF STAFF. ASTURIAS TOLD BG PINEDA TO TELL GEN ENRIQUEZ THAT IF THE GT ARMY WOULD MAKE BAMACA APPEAR IN SOME LOCATION, LIKE CHIAPAS FOR EXAMPLE, THAT WOULD PRESERVE THE HONOR OF THE ARMY, HE WOULD CALL OFF THE INTERNATIONAL PRESSURE ON THE CASE. GEN ENRIQUEZ ADDED THAT THIS WAS EXACTLY THE SAME DEMAND BEING MADE BY MS. HARBURY HERSELF. HE ALSO COMMENTED THAT THE URNG MUST THINK IT HAS A GREAT DEAL OF INTERNATIONAL INFLUENCE TO BELIEVE THAT IT COULD SHUT DOWN ALL PROTESTS ABOUT THE BAMACA CASE.

18. DR. NUCCIO EXPLAINED THAT IN CONFIDENCE, RODRIGO ASTURIAS HAD ALSO INFORMED HIM OF THE OFFER MADE THROUGH BG PINEDA, BUT THE WORDING WAS SOMEWHAT DIFFERENT. ASTURIAS HAD EXPLAINED THAT IF BAMACA WERE MADE TO APPEAR SOMEWHERE IN A WAY THAT PRESERVED THE HONOR OF THE ARMY, HE WOULD OFFER HIS PERSONAL EFFORTS TO ELIMINATE ANY PROVOCATIONS OR PERSONAL ATTACKS ABOUT THE CASE, AND WOULD ATTEMPT TO CONVINCE MS. HARBURY TO STOP HER ACTIVITIES. GEN ENRIQUEZ EXPLAINED THAT THAT WAS NOT THE WAY IT WAS PRESENTED TO HIM, BUT RATHER THAT ALL INTERNATIONAL PRESSURES WOULD BE ELIMINATED. DR. NUCCIO CLARIFIED THAT ASTURIAS' OFFER WAS NOT THAT ALL-ENCOMPASSING, BUT ONLY WAS AN ASSURANCE OF HIS PERSONAL EFFORTS TO PERSUADE MS. HARBURY TO STOP HER ACTIVITIES AND LOOK FOR AN HONORABLE SOLUTION FOR THE ARMY.

#### INTERNATIONAL PRESSURES MOUNT

19. DR. NUCCIO ADDED THAT THE BAMACA CASE HAS TAKEN ON GREAT IMPORTANCE IN THE U.S., AND HAS EVEN GOTTEN TO THE WHITE HOUSE. DR. NUCCIO THEN SHOWED GEN ENRIQUEZ SOME STATISTICS SHOWING THE LARGE NUMBER OF LETTERS AND FAXES THAT HIS OFFICE ALONE HAS RECEIVED ON THE BAMACA CASE. GEN ENRIQUEZ REVIEWED THE STATISTICS AND REMARKED THAT THESE INQUIRIES SHOWED THE INCREDIBLE INTERNATIONAL CAPABILITY OF THE URNG. HE EXCLAIMED THAT AGAINST THIS KIND OF OPPOSITION IT IS A WONDER THE GOG WAS ABLE TO SURVIVE. THE URNG HAD LONG RECEIVED STRONG INTERNATIONAL SUPPORT FROM SUCH COUNTRIES AS NORWAY, SWEDEN, AND FRANCE. FRANCE AT ONE TIME EVEN DELIVERED WEAPONS TO THE URNG. THIS INCREDIBLE OPPOSITION WAS ONE REASON THE ARMY HAD TO RESPOND THE WAY IT DID DURING THE 1980'S.

20. GEN ENRIQUEZ COMMENTED THAT IT IS A PITY THAT THE

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INTERNATIONAL COMMUNITY HAS MOBILIZED ITSELF ON THE BAMACA CASE, AS THIS ORPA COMANDANTE CHIA SHOULD DESERVE THIS KIND OF SUPPORT. HE WAS NOT AN INNOCENT VICTIM, AS HE HAD A LONG RECORD AS AN ORPA COMBATANT. FOR EXAMPLE, THERE ARE NO ARMY WIVES CONDUCTING A HUNGER STRIKE DEMANDING THE WHEREABOUTS OF THEIR HUSBANDS FROM THE URNG. WHY DIDN'T THE INTERNATIONAL COMMUNITY MOBILIZE THIS KIND OF SUPPORT OVER THE MURDER OF MICHAEL DEVINE? THERE IS A CASE THAT CERTAINLY MERITED THIS KIND OF PRESSURE, AS HE WAS AN INNOCENT, CIVILIAN, U.S. CITIZEN VICTIM. THE ONLY REASON BAMACA IS RECEIVING SUCH GREAT ATTENTION IS BECAUSE MS. HARBURY IS PLAYING A POLITICAL GAME.

MOD RELUCTANTLY ACCEPTS MINUGUA INVOLVEMENT

SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY CASE DISCUSSED.

21. DR. NUCCIO ONCE AGAIN REITERATED THAT WHATEVER THE MERITS OF THE CASE OR GEN ENRIQUEZ' FEELINGS ABOUT THE CASE, IT DESERVED A THOROUGH INVESTIGATION, WITH INTERNATIONAL PARTICIPATION. THE UN MISSION IN GUATEMALA, MINUGUA, IS ONE POSSIBILITY OF INTERNATIONAL PARTICIPATION. GEN ENRIQUEZ RESPONDED THAT MINUGUA WILL REALLY ONLY BEGIN ITS OPERATIONS ON 14 NOVEMBER, AND SINCE BAMACA DISAPPEARED IN MARCH 1992, THE CASE DOES NOT QUALIFY. OF COURSE, IF ONE ACCEPTED MS. HARBURY'S PREMISE THAT BAMACA IS STILL ALIVE THEN THE CASE COULD PERHAPS FALL UNDER MINUGUA'S JURISDICTION. LIKEWISE, MINUGUA IS ONLY AUTHORIZED TO VERIFY, NOT CONDUCT ITS OWN INDEPENDENT INVESTIGATIONS. DR. NUCCIO RESPONDED THAT HIS UNDERSTANDING ALSO WAS THAT MINUGUA COULD ONLY VERIFY, BUT IT COULD ACCOMPANY THE GT HUMAN RIGHTS OMBUDSMAN OR OTHER GOG INVESTIGATOR UNDER THAT CRITERIA. THE AMBASSADOR ADDED THAT MINUGUA COULD ALSO SUGGEST QUESTIONS THAT THE OMBUDSMAN MIGHT ASK AS WELL. GEN ENRIQUEZ AGREED THAT SUCH OPTIONS SEEMED TO FALL WITHIN THE JURISDICTION OF MINUGUA.

22. THE AMBASSADOR ADDED THAT SHE BELIEVED THAT THE PRESIDENT PLANNED TO APPOINT CESAR ALVAREZ GUADAMUZ, CURRENTLY THE GT AMBASSADOR TO THE OAS, AS A SPECIAL INVESTIGATOR TO LOOK INTO THE CASE OF BAMACA. GEN ENRIQUEZ RESPONDED THAT HE WOULD BE AN EXCELLENT CHOICE, AS HE WAS FAMILIAR WITH THE CASE FROM HIS TIME AS PRESIDENT DE LEON'S DEPUTY WHEN HE WAS THE HUMAN RIGHTS OMBUDSMAN. THE SOLICITOR GENERAL, ACISCLO VALLADARES, ALSO HAS GREAT CREDIBILITY IN SUCH CASES. GEN ENRIQUEZ REMARKED THAT HE HAD ALREADY OFFERED HIS FULL SUPPORT TO ANY INVESTIGATION THAT VALLADARES MIGHT INITIATE.

23. GEN ENRIQUEZ REMARKED THAT EARLIER THE SAME DAY HIS CHIEF OF STAFF, MG GONZALEZ, HAD REMARKED TO HIM THAT WHILE HE HAD ALWAYS DONE AN EXCELLENT JOB IN EXPLAINING ARMY POSITIONS TO THE PRESS, MG GONZALEZ BELIEVED THAT HE WAS LOSING HIS CREDIBILITY OVER THE BAMACA CASE. GEN ENRIQUEZ HAD RESPONDED THAT IT IS ALSO THE CHIEF OF STAFF'S JOB TO ENSURE THAT THE MINISTER OF DEFENSE DOES NOT LOSE HIS CREDIBILITY. THEREFORE MG GONZALEZ SHOULD DIRECT HIS COUNTERINTELLIGENCE DIVISION (CUERPO TECNICO CONSULTATIVO) TO PROVIDE ALL INFORMATION THEY HAVE ON BAMACA SO THAT THE MINISTER OF DEFENSE DOESN'T LOSE HIS CREDIBILITY ON THE BAMACA CASE.

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MOD'S REMARKS ON BAMACA MISINTERPRETED

30. THE AMBASSADOR REFERRED BACK TO GEN ENRIQUEZ' EARLIER STATEMENTS THAT MAYBE BAMACA WOULD APPEAR IN CHIAPAS OR OUT IN THE JUNGLE SOMEWHERE. SHE EXPLAINED TO GEN ENRIQUEZ THAT IN FACT MS. HARBURY HAD INTERPRETED THESE STATEMENTS AS A TYPE OF "SECRET NEGOTIATION" BETWEEN HER AND THE MOD. DATT CONFIRMED THAT MS. HARBURY HAD INDEED INTERPRETED THESE STATEMENTS AS AN ACKNOWLEDGEMENT THAT BAMACA WAS ALIVE IN ARMY CUSTODY, AND THAT THESE WERE SUBTLE SIGNALS TO HER THAT THE MOD WISHED TO NEGOTIATE THE RELEASE OF BAMACA AT A TIME AND PLACE THAT WOULD NOT DISCREDIT THE ARMY. GEN ENRIQUEZ APPEARED DUMBFOUNDED AND DID NOT RESPOND FOR A FEW SECONDS.

31. HE THEN EXPLAINED THAT HE NEVER INTENDED TO CONVEY SUCH AN IMPRESSION. WHAT HE HAD MEANT BY SUCH STATEMENTS WAS THAT MAYBE BAMACA WAS ALIVE SOMEWHERE WITH THE URNG OR IN HIDING. IN FACT HE HAD EVEN TOLD THE PRESS ON ONE OCCASION THAT HE COULD CONCEIVE THAT ORPA LEADER RODRIGO ASTURIAS HAD HIDDEN BAMACA,

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AND IS WAITING FOR THE RIGHT MOMENT TO ORDER HIM TO APPEAR. AFTER ALL, AS HE SAID, THERE HAS BEEN A DIRTY WAR AND MANY THINGS ARE POSSIBLE. FOR EXAMPLE, HE COULD EVEN BELIEVE THAT BAMACA HAD ORIGINALLY BEEN BURIED IN THE CEMETERY IN RETALHULEU, BUT THE URNG HAD LATER SECRETLY SWITCHED BODIES IN THE CEMETERY AND HAS HIDDEN BAMACA'S REMAINS. WHILE SUCH A BODY SWAP IS UNLIKELY, IT IS POSSIBLE.

32. THE AMBASSADOR ADDED THAT MANY GROUPS WILL BE VISITING GUATEMALA DURING THE COMING WEEK TO SEE MS. HARBURY AND INQUIRE ABOUT THE WHEREABOUTS OF EFRAIN BAMACA. WHAT WOULD BE GEN ENRIQUEZ' POSTURE CONCERNING SUCH GROUPS? WOULD HE BE AVAILABLE TO SEE THEM? GEN ENRIQUEZ RESPONDED THAT HE WOULD CONTINUE WITH THE SAME POLICY AS ALWAYS--HE WAS OPEN AND WOULD RECEIVE AS MANY VISITORS AS HIS SCHEDULE PERMITTED. ONLY YESTERDAY GEN ENRIQUEZ HAD RECEIVED TWO REPORTERS FROM ARIZONA, WHO HAD TAKEN PICTURES OF VARIOUS ROOMS AND HALLWAYS WITHIN THE MOD'S OFFICIAL RESIDENCE. GEN ENRIQUEZ WAS SURE THE PHOTOS WOULD BE USED TO SHOW THE OPULENCE OF THE MOD'S OFFICIAL RESIDENCE AND THUS ATTEMPT TO DISCREDIT HIM.

#### ODDS AND ENDS

33. GEN ENRIQUEZ EXPLAINED THAT HE EARLIER HAD A MEETING WITH GT OFFICERS INVOLVED WITH THE PREPARATIONS FOR FUERTES CAMINOS 95. HE WAS CONSIDERING WHAT TO DO ABOUT THE U.S. EMBASSY

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REQUEST THAT COL CABRERA AND LTC ALPIREZ BE TRANSFERRED FROM MILITARY ZONE 10 AT JUTIAPA. (NOTE: THE EMBASSY HAS REQUESTED THAT BOTH OFFICERS BE TRANSFERRED FROM THE MILITARY ZONE WHERE THE FUERTES CAMINOS 95 BASE CAMP WILL BE ESTABLISHED, BECAUSE THEY WERE INVOLVED IN THE COVERUP OF THE ARMY'S INVOLVEMENT IN THE MURDER OF U.S. CITIZEN MICHAEL DEVINE IN MAY OF 1990.) HE WAS ALSO SAD TO HEAR THAT MG CROCKER, THE ARMY SOUTH COMMANDER, WOULD HAVE TO DELAY HIS VISIT BEYOND 6 NOVEMBER BECAUSE OF MS. HARBURY'S HUNGER STRIKE. HE AND HIS STAFF HAD VERY MUCH BEEN LOOKING FORWARD TO THE VISIT. HE INFORMED THE AMBASSADOR AND DR. NUCCIO THAT HE HAD BEEN INVITED TO VISIT ISRAEL AND WOULD BE THERE FOR NINE DAYS FROM 6-16 NOVEMBER. GEN ENRIQUEZ COMMENTED THAT PRESIDENT DE LEON HAD ACCEPTED AN INVITATION TO TAKE A RIDE THE FOLLOWING DAY IN ONE OF THE TWO FLYABLE A37'S THAT THE AIR FORCE HAD BEEN WORKING HARD ON TO MAKE AIRWORTHY. SINCE THE PRESIDENT WAS FLYING, HE AS MOD HAD NO CHOICE BUT TO GO UP IN ONE OF THE AIRCRAFT AS WELL, A PROSPECT THAT MADE HIM SOMEWHAT NERVOUS.

#### COMMENTS

34. GEN ENRIQUEZ WAS [REDACTED] WHEN HE DISCUSSED THE BAMACA CASE. AT ONE POINT HE MENTIONED THAT IF BAMACA IS ALIVE HE SHOULD APPEAR TO MS. HARBURY AT NIGHT IN DISGUISE, BUT THEN LATER STATED THAT HE BELIEVED BAMACA WAS DEAD, BUT THEN CAVEATED BY SAYING THAT HE HAD NO PROOF OF THIS. EVEN AN ATTENTIVE LISTENER FAMILIAR WITH THE CASE CAN EASILY BECOME CONFUSED [REDACTED] FURTHER, GEN ENRIQUEZ GAVE THE FIRST INKLINGS THAT THE ARMY MAY HAVE HAD BAMACA AT ONE TIME, WHEN HE REFERRED TO "COMPARTMENTALIZATION" OF OPERATIONS, AND THE FACT THAT HE TOLD GEN GONZALEZ THAT HE SHOULD HAVE HIS

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CI SECTION REVEAL ALL INFORMATION SO GEN ENRIQUEZ WOULD NOT CONTINUE TO LOSE CREDIBILITY ON THE BAMACA CASE. OVERALL, GEN ENRIQUEZ APPEARED SOMEWHAT TIRED AND SHOWED MORE SIGNS OF STRESS THAN USUAL.

35. [REDACTED]

[REDACTED] IT WAS. B1  
OBVIOUS HE HAD DISCUSSED THE ISSUE WITH HIS FELLOW GENERAL OFFICERS MORE THAN ONCE. WHILE AN IMPORTANT FIRST STEP HAS BEEN TAKEN TO CLEAR UP THIS MISUNDERSTANDING, LINGERING DOUBTS ABOUT THE USG'S "REAL" MOTIVES TOWARDS THE URNG UNDOUBTEDLY LINGER.

36. IT IS CLEAR THAT GEN ENRIQUEZ NO LONGER HAS ANY CONFIDENCE IN DEALING WITH MS. HARBURY PERSONALLY. RODRIGO ASTURIAS' OFFER OF AN HONORABLE ALTERNATIVE CLEARLY HAD AN IMPACT ON GEN ENRIQUEZ--WHETHER BECAUSE HE SAW IT AS MORE EVIDENCE OF A LINK BETWEEN MS. HARBURY AND THE URNG, OR BECAUSE HE CONSIDERS IT A POTENTIAL CHANNEL FOR THE ARMY TO NEGOTIATE A SOLUTION TO MS. HARBURY'S HUNGER STRIKE, IS UNCERTAIN. WHILE THE POSSIBILITY THAT BAMACA IS STILL ALIVE IS SLIGHT, IF THE ARMY DOES WANT AN HONORABLE SOLUTION AS PROPOSED BY ASTURIAS THEY MAY WELL BE BACK IN TOUCH.

37. THIS CABLE HAS NOT BEEN CLEARED BY DR. NUCCIO.

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DISTRIBUTION: POLM  
CHARGE: PREG  
APPROVED: AMB:MMCAFFEE  
DRAFTED: DAO:DEKELLER  
CLEARED: POL:LKUSNITZ, POLII:DDONAHUE, DCM:JFKEANE

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Guatemala 327266  
Bamaca/Harbury  
Cases 1993  
Pol. Section

E.O 12356: DECL: OADR  
TAGS: PHUM, PINS, PREL, PGOV, MARR, GT  
SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY  
CASE DISCUSSED.

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY. ARA SENIOR ADVISER DR. RICHARD A. NUCCIO, THE AMBASSADOR, AND DEFENSE ATTACHE MET WITH MINISTER OF DEFENSE GEN ENRIQUEZ ON OCTOBER 27. THE GT ARMY CONTRIBUTION TO THE MNF IN HAITI AND THE PEACE PROCESS WAS DISCUSSED. DR. NUCCIO RAISED THE JENNIFER HARBURY/EFRAIN BAMACA CASE AND EMPHASIZED THE IMPORTANCE OF A THOROUGH INVESTIGATION OF THE CASE. GEN ENRIQUEZ EXPLAINED THAT AFTER HAVING MET HARBURY FIVE TIMES, HE NO LONGER BELIEVES SHE IS A SINCERE PERSON LOOKING FOR HER HUSBAND, BUT A POLITICALLY MOTIVATED PROFESSIONAL. GEN ENRIQUEZ DOUBTED ASPECTS OF HER CASE SUCH AS IDENTIFYING HERSELF AS A REPORTER DURING THE FIRST EXHUMATION ATTEMPT, AND WHAT HE SUSPECTS ARE MARRIAGE DOCUMENTS FILED AFTER BAMACA'S DISAPPEARANCE.

3. WHILE HE PERSONALLY BELIEVES BAMACA IS DEAD, GEN ENRIQUEZ AGREED TO FULLY COOPERATE WITH THE SOLICITOR GENERAL'S PLANNED INVESTIGATION INTO BAMACA'S DISAPPEARANCE. GEN ENRIQUEZ ALSO RELUCTANTLY ACCEPTED MINUGUA VERIFICATION OF ANY INVESTIGATION OF THE CASE. HE EXPLAINED THAT ORPA LEADER RODRIGO ASTURIAS HAD ALSO SENT AN OFFER FOR AN HONORABLE SOLUTION TO THE ARMY, VERY SIMILAR TO HARBURY'S OFFER TO STOP HER HUNGER STRIKE AND OTHER PRESSURES IF BAMACA IS SECRETLY MADE TO APPEAR IN A NEUTRAL LOCATION.

END SUMMARY.

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4. ARA SENIOR ADVISOR DR. Nuccio MADE AN OFFICE CALL ON THE GUATEMALAN MINISTER OF DEFENSE (MOD), MAJOR GENERAL MARIO RENE ENRIQUEZ MORALES, ON THE AFTERNOON OF THURSDAY, 27 OCTOBER. ACCOMPANYING HIM WERE THE AMBASSADOR AND DEFENSE ATTACHE. GEN ENRIQUEZ BEGAN THE SESSION BY NOTING THAT HE HAD JUST COME OUT OF A MEETING WITH SOME OF HIS PRINCIPAL GENERAL OFFICERS TO INCLUDE BG BALCONI, THE INSPECTOR GENERAL, BG PINEDA, THE VICE-CHIEF OF STAFF, AND MG GONZALEZ, THE CHIEF OF STAFF; AMONG OTHERS. DR. NUCCIO RESPONDED BY PRAISING THE PRESENCE OF MG GONZALEZ AT THE RECENT CONFERENCE IN SAN FRANCISCO. DURING THE CONFERENCE, MG GONZALEZ HAD RESPONDED TO FEROCIOUS VERBAL ATTACKS IN A DISCIPLINED AND RESPONSIVE WAY, WHICH REQUIRED A GREAT DEAL OF PERSONAL COURAGE. DR. NUCCIO EMPHASIZED THAT NOW WE MUST DEMAND THE SAME PARTICIPATION AND COURAGE ON THE PART OF THE CIVILIAN LEADERSHIP IN THE GOVERNMENT AND ELSEWHERE.

GT ARMY PARTICIPATION IN HAITI MNF

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#### JENNIFER HARBURY CASE RAISED

7. DR. NUCCIO EXPLAINED THAT HE WAS VERY CONCERNED ABOUT THE HUNGER STRIKE OF JENNIFER HARBURY. THE PUBLICITY AND PROTEST IN THE U.S. CONCERNING THE LACK OF RESPONSE BY THE GOG ON THE CASE HAS REACHED FRIGHTENING LEVELS. THE U.S. CONGRESS AND HUMAN RIGHTS GROUPS ARE VERY CONCERNED ABOUT THE CASE. DR. NUCCIO ADDED THAT HE HAD ALSO RAISED THE ISSUE WITH PRESIDENT DE LEON,

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CASE DISCUSSED.

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WHO PROMISED THAT HE WOULD ANNOUNCE A MAJOR INVESTIGATION INTO THE DISAPPEARANCE OF ORPA COMANDANTE EFRAIN BAMACA, MS. HARBURY'S HUSBAND.

8. GEN ENRIQUEZ RESPONDED THAT HE HAD PERSONALLY MET WITH JENNIFER HARBURY ON TUESDAY, AND HE HAD ALSO TOLD HER THAT HE WOULD ASK FOR AN INVESTIGATION INTO THE WHEREABOUTS OF BAMACA. HE TOLD MS. HARBURY THAT SHE IS NEEDLESSLY SELF-INFLICTING SUFFERING UPON HERSELF, BECAUSE THE GT ARMY DOES NOT HAVE BAMACA. IF BAMACA IS ALIVE HE IS CERTAINLY NOT IN ARMY CUSTODY, AND IF HE REALLY CARED FOR MS. HARBURY, HE WOULD COME TO HER AND SHOW HER THAT HE IS ALIVE, EVEN IF IT WAS IN DISGUISE AT NIGHT, SO THAT SHE COULD END HER SUFFERING. GEN ENRIQUEZ CONTINUED THAT HE ALSO TOLD MS. HARBURY THAT WHEN HE FIRST MET HER HE BELIEVED THAT SHE WAS AN INTELLIGENT AND SINCERE WOMAN MOTIVATED BY HER LOVE OF BAMACA. HOWEVER BASED ON HER MORE RECENT BEHAVIOR, HE HAD LOST CONFIDENCE IN HER AND NOW BELIEVED THAT SHE HAD POLITICAL MOTIVES FOR HER HUNGER STRIKE, WHICH HAD CAUSED HIM TO SPEAK SOMEWHAT SARCASTICALLY ABOUT HER CASE TO THE PRESS.

9. GEN ENRIQUEZ EXPLAINED THAT HE HAS NOW SEEN MS. HARBURY FIVE TIMES. HE HAD ALWAYS TOLD HER THAT HE DOES NOT KNOW THE WHEREABOUTS OF BAMACA. THE ARMY NEVER CLAIMED TO HAVE HAD BAMACA, AND IN FACT THE NOTIFICATIONS OF HIS DISAPPEARANCE CAME FROM THE URNG, NOT THE ARMY. GEN ENRIQUEZ SAID THAT HE ALSO TOLD MS. HARBURY THAT IF HE GOES OUT TO THE CENTRAL PLAZA TO SEE HER, IT WILL BE WITH TWO DOCTORS, AND IF THOSE DOCTORS DETERMINE THAT HER HEALTH IS IN DANGER, HE WILL HAVE HER REMOVED TO A CLINIC FOR MEDICAL TREATMENT. (NOTE: GEN ENRIQUEZ' MOST RECENT DISCUSSION WITH MS. HARBURY TOOK PLACE IN HIS OFFICE IN THE NATIONAL PALACE, NOT IN THE CENTRAL PLAZA WHERE SHE IS HOLDING HER HUNGER STRIKE.)

10. GEN ENRIQUEZ THEN EXPLAINED THAT IT IS NOW OBVIOUS TO HIM THAT MS. HARBURY IS WORKING WITH THE URNG. HER BOOK WAS WRITTEN AND SOLD TO RAISE FUNDS FOR THE URNG. SHE SYMPATHIZES WITH RODRIGO ASTURIAS, THE ORPA LEADER. MS. HARBURY'S HUNGER STRIKE IS A POLITICAL ACT BEING CONDUCTED BY A PROFESSIONAL; SHE IS NOT THERE TO RECLAIM HER HUSBAND LIKE HE HAD ORIGINALLY THOUGHT, HER CURRENT ACTIVITIES IN FRONT OF THE NATIONAL PALACE ARE CLEARLY DESIGNED TO SUBVERT THE STATE, WHICH IS AGAINST THE LAW IN MANY OTHER COUNTRIES. HOWEVER, HERE IN GUATEMALA EVERYTHING IS NOW ALLOWED.

11. GEN ENRIQUEZ SAID THAT DURING HIS INTERVIEW WITH MS. HARBURY, SHE HAD OFFERED TO STOP HER HUNGER STRIKE IF HE WOULD PROMISE TO MAKE BAMACA APPEAR AT SOME SPECIFIED TIME AND LOCATION IN THE FUTURE. HE HAD RESPONDED THAT HE IS SORRY THAT SHE IS SELF-INFLICTING HER SUFFERING, BUT HE CAN NOT MAKE SUCH A PROMISE BECAUSE THE ARMY DOES NOT HAVE BAMACA. THE GT ARMY WOULD NOT DETAIN BAMACA FOR NO REASON. GEN ENRIQUEZ EXPLAINED THAT HE PERSONALLY BELIEVES THAT BAMACA IS DEAD, BUT HE HAS NO PROOF OF THAT, IT IS SIMPLY HIS LOGICAL DEDUCTION.

MOD DOUBTS ASPECTS OF BAMACA CASE

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12. GEN ENRIQUEZ ADDED THAT THERE ARE MANY DOUBTS ABOUT MS. HARBURY'S CASE. DURING THE FIRST EXHUMATION FOR BAMACA'S BODY THAT OCCURRED IN 1992, SHE WAS ASSUMED TO BE BAMACA'S HUSBAND. ONLY LATER DID SHE CLAIM TO BE BAMACA'S HUSBAND. GEN ENRIQUEZ ADDED THAT HE WISHED HE HAD THE INVESTIGATIVE CAPABILITIES TO GO TO TEXAS AND OBTAIN THE MARRIAGE RECORDS OF MS. HARBURY AND BAMACA, BECAUSE HE SUSPECTS THE MARRIAGE DOCUMENTS WERE IN FACT FILED AFTER BAMACA'S DISAPPEARANCE. LIKEWISE, THE ARMY NEVER ANNOUNCED THAT IT HAD KILLED OR CAPTURED BAMACA IN COMBAT. THE DESCRIPTION OF BAMACA'S BODY THAT MS. HARBURY CLAIMS WAS SENT FROM THE ARMY IN FACT CAME FROM THE URNG. ALL OF THESE ITEMS CREATE DOUBTS ABOUT MS. HARBURY'S STORY.

13. GEN ENRIQUEZ THEN PHILOSOPHIZED THAT AFTER 34 YEARS OF "DIRTY" WAR, AND THAT'S WHAT IT WAS, AS BOTH THE ARMY AND THE GUERRILLAS HAD DONE DIRTY THINGS, BOTH SIDES ARE UNDOUBTEDLY GUILTY OF ILLEGAL ACTIONS. IF THE GT ARMY HAD NOT DONE WHAT IT DID, GUATEMALA MIGHT PRESENTLY BE UNDER A COMMUNIST GOVERNMENT LIKE THAT OF CUBA. HOWEVER NOW, ONLY THE ACTIVITIES OF THE GOG OR THE ARMY ARE DENOUNCED. FOR EXAMPLE, ONLY A YEAR OR TWO AGO A U.S. CITIZEN WAS CAPTURED BY THE ORPA, PASSED TO THE EGP AND LATER THE FAR, AND THEN MURDERED. YET NO ONE SAYS ANYTHING ABOUT THAT CASE. THE ARMY HAS GOOD DOCUMENTATION ON THIS CASE WHICH GEN ENRIQUEZ PROMISED TO PASS TO THE EMBASSY.

#### MOD AGREES TO FULL INVESTIGATIONS

14. DR. NUCCIO RESPONDED THAT WHATEVER GEN ENRIQUEZ MAY THINK ABOUT THE CASE, IT HAS BECOME EXTREMELY IMPORTANT AND IS ABOUT TO CAUSE THE SKY TO FALL ON GUATEMALA. TO PREVENT THAT FROM HAPPENING A SOLUTION MUST BE FOUND QUICKLY. THE SOLUTION MUST BE CONVINCING TO THE INTERNATIONAL COMMUNITY, EVEN THOUGH IT MAY NOT FULLY SATISFY MS. HARBURY. GEN ENRIQUEZ RESPONDED THAT IN FACT HE HAS ASKED PRESIDENT DE LEON TO ORDER AN INVESTIGATION OF THE CASE. HE HAD ALSO TOLD HIS COMMANDERS THAT IF ANYONE MATCHING THE APPEARANCE OF BAMACA IS SEEN, HE SHOULD BE BROUGHT

SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY CASE DISCUSSED.

IN. IF ANY OFFICER KNOWS THAT BAMACA WAS HELD BY THE ARMY AND IS DEAD, HE SHOULD COME FORWARD. IF SOME INDIVIDUALS GOT OUT OF CONTROL AND KILLED BAMACA WHILE HE WAS IN CUSTODY, THEN THEY WOULD BE PROSECUTED. MAYBE A PREVIOUS MOD KNOWS MORE ABOUT THE CASE THAN GEN ENRIQUEZ. GEN ENRIQUEZ EXPLAINED THAT THE ONLY SERIOUS CASE OF WHICH HE HAS FIRST HAND KNOWLEDGE BECAUSE IT OCCURRED WHILE HE WAS MINISTER WAS THE MURDER OF JORGE CARPIO, AND THAT CONTINUES TO BE INVESTIGATED.

15. GEN ENRIQUEZ ADDED THAT HE HAD ALSO ASKED THE HUMAN RIGHTS OMBUDSMAN AND THE SOLICITOR GENERAL TO INVESTIGATE THE BAMACA CASE. THE SOLICITOR GENERAL, ACISCLO VALLADARES, TOLD GEN ENRIQUEZ THAT HE WOULD ISSUE A PETITION OF PERSONAL EXHIBITION TO THE PRESIDENT, THE MINISTER OF DEFENSE, AND THE MINISTER OF GOVERNMENT. THE PROCEDURES FOR THE PETITION WOULD BE THOSE OF THE NEW CRIMINAL PROCEDURES CODE, WHICH COULD RESULT IN ORAL HEARINGS CONCERNING THE WHEREABOUTS OF BAMACA, DURING WHICH MANY INDIVIDUALS COULD BE CALLED IN TO MAKE DECLARATIONS. GEN ENRIQUEZ HAD RESPONDED TO ACISCLO VALLADARES THAT HE SHOULD GO FORWARD WITH THIS PROCEDURE AND THAT HE WOULD HAVE THE FULL

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SUPPORT OF THE ARMY. EVEN THE TWO OFFICERS NAMED BY EX-GUERRILLA SANTIAGO INFERASCHING TORTURED BAMACA COULD BE MADE AVAILABLE TO TESTIFY. DR. NUCCIO ASKED GEN ENRIQUEZ IF HE OR ANYONE HAD QUESTIONED THE TWO OFFICERS ABOUT THE ALLEGATIONS OF CABRERA. GEN ENRIQUEZ RESPONDED THAT HE HAD NOT.

16. GEN ENRIQUEZ ADDED THAT HE PERSONALLY BELIEVES THAT BAMACA IS DEAD. AROUND THE TIME OF THE DISAPPEARANCE, HE HAD HEARD TALK THAT BAMACA HAD BEEN KILLED IN COMBAT; BUT HE WAS NOT IN A POSITION TO BE INFORMED OF SUCH THINGS AT THE TIME. GEN ENRIQUEZ EXPLAINED THAT DURING A CONFLICT, THERE IS COMPARTMENTALIZATION BY BOTH THE GUERRILLAS AND THE ARMY. AS A RESULT THERE COULD BE A SMALL, SELECT GROUP OF OFFICERS WHO KNOW MORE ABOUT THE BAMACA CASE THAN HE DOES.

#### RODRIGO ASTURIAS' OFFER

17. GEN ENRIQUEZ ADDED THAT THE ORPA LEADER, RODRIGO ASTURIAS, HAD SENT A MESSAGE TO HIM FROM MEXICO VIA BG PINEDA, COPAZ MEMBER AND VICE-CHIEF OF STAFF. ASTURIAS TOLD BG PINEDA TO TELL GEN ENRIQUEZ THAT IF THE GT ARMY WOULD MAKE BAMACA APPEAR IN SOME LOCATION, LIKE CHIAPAS FOR EXAMPLE, THAT WOULD PRESERVE THE HONOR OF THE ARMY, HE WOULD CALL OFF THE INTERNATIONAL PRESSURE ON THE CASE. GEN ENRIQUEZ ADDED THAT THIS WAS EXACTLY THE SAME DEMAND BEING MADE BY MS. HARBURY HERSELF. HE ALSO COMMENTED THAT THE URNG MUST THINK IT HAS A GREAT DEAL OF INTERNATIONAL INFLUENCE TO BELIEVE THAT IT COULD SHUT DOWN ALL PROTESTS ABOUT THE BAMACA CASE.

18. DR. NUCCIO EXPLAINED THAT IN CONFIDENCE, RODRIGO ASTURIAS HAD ALSO INFORMED HIM OF THE OFFER MADE THROUGH BG PINEDA, BUT THE WORDING WAS SOMEWHAT DIFFERENT. ASTURIAS HAD EXPLAINED THAT IF BAMACA WERE MADE TO APPEAR SOMEWHERE IN A WAY THAT PRESERVED THE HONOR OF THE ARMY, HE WOULD OFFER HIS PERSONAL EFFORTS TO ELIMINATE ANY PROVOCATIONS OR PERSONAL ATTACKS ABOUT THE CASE, AND WOULD ATTEMPT TO CONVINCE MS. HARBURY TO STOP HER ACTIVITIES. GEN ENRIQUEZ EXPLAINED THAT THAT WAS NOT THE WAY IT WAS PRESENTED TO HIM, BUT RATHER THAT ALL INTERNATIONAL PRESSURES WOULD BE ELIMINATED. DR. NUCCIO CLARIFIED THAT ASTURIAS' OFFER WAS NOT THAT ALL-ENCOMPASSING, BUT ONLY WAS AN ASSURANCE OF HIS PERSONAL EFFORTS TO PERSUADE MS. HARBURY TO STOP HER ACTIVITIES AND LOOK FOR AN HONORABLE SOLUTION FOR THE ARMY.

#### INTERNATIONAL PRESSURES MOUNT

19. DR. NUCCIO ADDED THAT THE BAMACA CASE HAS TAKEN ON GREAT IMPORTANCE IN THE U.S., AND HAS EVEN GOTTEN TO THE WHITE HOUSE. DR. NUCCIO THEN SHOWED GEN ENRIQUEZ SOME STATISTICS SHOWING THE LARGE NUMBER OF LETTERS AND FAXES THAT HIS OFFICE ALONE HAS RECEIVED ON THE BAMACA CASE. GEN ENRIQUEZ REVIEWED THE STATISTICS AND REMARKED THAT THESE INQUIRIES SHOWED THE INCREDIBLE INTERNATIONAL CAPABILITY OF THE URNG. HE EXCLAIMED THAT AGAINST THIS KIND OF OPPOSITION IT IS A WONDER THE GOG WAS ABLE TO SURVIVE. THE URNG HAD LONG RECEIVED STRONG INTERNATIONAL SUPPORT FROM SUCH COUNTRIES AS NORWAY, SWEDEN, AND FRANCE. FRANCE AT ONE TIME EVEN DELIVERED WEAPONS TO THE URNG. THIS INCREDIBLE OPPOSITION WAS ONE REASON THE ARMY HAD TO RESPOND THE WAY IT DID DURING THE 1980'S.

20. GEN ENRIQUEZ COMMENTED THAT IT IS A PITY THAT THE

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INTERNATIONAL COMMUNITY HAS MOBILIZED ITSELF ON THE BAMACA CASE, AS THIS ORPA COMANDANTE IN CHIEF DESERVE THIS KIND OF SUPPORT. HE WAS NOT AN INNOCENT VICTIM, AS HE HAD A LONG RECORD AS AN ORPA COMBATANT. FOR EXAMPLE, THERE ARE NO ARMY WIVES CONDUCTING A HUNGER STRIKE DEMANDING THE WHEREABOUTS OF THEIR HUSBANDS FROM THE URNG. WHY DIDN'T THE INTERNATIONAL COMMUNITY MOBILIZE THIS CASE THAT CERTAINLY MERITED THIS KIND OF PRESSURE, AS HE WAS AN INNOCENT, CIVILIAN, U.S. CITIZEN VICTIM. THE ONLY REASON BAMACA IS RECEIVING SUCH GREAT ATTENTION IS BECAUSE MS. HARBURY IS PLAYING A POLITICAL GAME.

MOD RELUCTANTLY ACCEPTS MINUGUA INVOLVEMENT

SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY  
CASE DISCUSSED.

21. DR. NUCCIO ONCE AGAIN REITERATED THAT WHATEVER THE MERITS OF THE CASE OR GEN ENRIQUEZ' FEELINGS ABOUT THE CASE, IT DESERVED A THOROUGH INVESTIGATION, WITH INTERNATIONAL PARTICIPATION. THE UN MISSION IN GUATEMALA, MINUGUA, IS ONE POSSIBILITY OF INTERNATIONAL PARTICIPATION. GEN ENRIQUEZ RESPONDED THAT MINUGUA WILL REALLY ONLY BEGIN ITS OPERATIONS ON 14 NOVEMBER, AND SINCE BAMACA DISAPPEARED IN MARCH 1992, THE CASE DOES NOT QUALIFY. OF COURSE, IF ONE ACCEPTED MS. HARBURY'S PREMISE THAT BAMACA IS STILL ALIVE THEN THE CASE COULD PERHAPS FALL UNDER MINUGUA'S JURISDICTION. LIKEWISE, MINUGUA IS ONLY AUTHORIZED TO VERIFY, NOT CONDUCT ITS OWN INDEPENDENT INVESTIGATIONS. DR. NUCCIO RESPONDED THAT HIS UNDERSTANDING ALSO WAS THAT MINUGUA COULD ONLY VERIFY, BUT IT COULD ACCOMPANY THE GT HUMAN RIGHTS OMBUDSMAN OR OTHER GOG INVESTIGATOR UNDER THAT CRITERIA. THE AMBASSADOR ADDED THAT MINUGUA COULD ALSO SUGGEST QUESTIONS THAT THE OMBUDSMAN MIGHT ASK AS WELL. GEN ENRIQUEZ AGREED THAT SUCH OPTIONS SEEMED TO FALL WITHIN THE JURISDICTION OF MINUGUA.

22. THE AMBASSADOR ADDED THAT SHE BELIEVED THAT THE PRESIDENT PLANNED TO APPOINT CESAR ALVAREZ GUADAMUZ, CURRENTLY THE GT AMBASSADOR TO THE OAS, AS A SPECIAL INVESTIGATOR TO LOOK INTO THE CASE OF BAMACA. GEN ENRIQUEZ RESPONDED THAT HE WOULD BE AN EXCELLENT CHOICE, AS HE WAS FAMILIAR WITH THE CASE FROM HIS TIME AS PRESIDENT DE LEON'S DEPUTY WHEN HE WAS THE HUMAN RIGHTS OMBUDSMAN. THE SOLICITOR GENERAL, ACISCLO VALLADARES, ALSO HAS GREAT CREDIBILITY IN SUCH CASES. GEN ENRIQUEZ REMARKED THAT HE HAD ALREADY OFFERED HIS FULL SUPPORT TO ANY INVESTIGATION THAT VALLADARES MIGHT INITIATE.

23. GEN ENRIQUEZ REMARKED THAT EARLIER THE SAME DAY HIS CHIEF OF STAFF, MG GONZALEZ, HAD REMARKED TO HIM THAT WHILE HE HAD ALWAYS DONE AN EXCELLENT JOB IN EXPLAINING ARMY POSITIONS TO THE PRESS, MG GONZALEZ BELIEVED THAT HE WAS LOSING HIS CREDIBILITY OVER THE BAMACA CASE. GEN ENRIQUEZ HAD RESPONDED THAT IT IS ALSO THE CHIEF OF STAFF'S JOB TO ENSURE THAT THE MINISTER OF DEFENSE DOES NOT LOSE HIS CREDIBILITY. THEREFORE MG GONZALEZ SHOULD DIRECT HIS COUNTERINTELLIGENCE DIVISION (CUERPO TECNICO CONSULTATIVO) TO PROVIDE ALL INFORMATION THEY HAVE ON BAMACA SO THAT THE MINISTER OF DEFENSE DOESN'T LOSE HIS CREDIBILITY ON THE BAMACA CASE.

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**MOD'S REMARKS ON BAMACA MISINTERPRETED**

30. THE AMBASSADOR REFERRED BACK TO GEN ENRIQUEZ' EARLIER STATEMENTS THAT MAYBE BAMACA WOULD APPEAR IN CHIAPAS OR OUT IN THE JUNGLE SOMEWHERE. SHE EXPLAINED TO GEN ENRIQUEZ THAT IN FACT MS. HARBURY HAD INTERPRETED THESE STATEMENTS AS A TYPE OF "SECRET NEGOTIATION" BETWEEN HER AND THE MOD. DATT CONFIRMED THAT MS. HARBURY HAD INDEED INTERPRETED THESE STATEMENTS AS AN ACKNOWLEDGEMENT THAT BAMACA WAS ALIVE IN ARMY CUSTODY, AND THAT THESE WERE SUBTLE SIGNALS TO HER THAT THE MOD WISHED TO NEGOTIATE THE RELEASE OF BAMACA AT A TIME AND PLACE THAT WOULD NOT DISCREDIT THE ARMY. GEN ENRIQUEZ APPEARED DUMFOUND AND DID NOT RESPOND FOR A FEW SECONDS.

31. HE THEN EXPLAINED THAT HE NEVER INTENDED TO CONVEY SUCH AN IMPRESSION. WHAT HE HAD MEANT BY SUCH STATEMENTS WAS THAT MAYBE BAMACA WAS ALIVE SOMEWHERE WITH THE URNG OR IN HIDING. IN FACT HE HAD EVEN TOLD THE PRESS ON ONE OCCASION THAT HE COULD CONCEIVE THAT ORPA LEADER RODRIGO ASTURIAS HAD HIDDEN BAMACA,

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AND IS WAITING FOR THE RIGHT MOMENT TO ORDER HIM TO APPEAR. AFTER ALL, AS HE SAID EARLIER, THIS HAS BEEN A DIRTY WAR AND MANY THINGS ARE POSSIBLE. FOR EXAMPLE, HE COULD EVEN BELIEVE THAT BAMACA HAD ORIGINALLY BEEN BURIED IN THE CEMETERY IN RETALHULEU, BUT THE URNG HAD LATER SECRETLY SWITCHED BODIES IN THE CEMETERY AND HAS HIDDEN BAMACA'S REMAINS. WHILE SUCH A BODY SWAP IS UNLIKELY, IT IS POSSIBLE.

32. THE AMBASSADOR ADDED THAT MANY GROUPS WILL BE VISITING GUATEMALA DURING THE COMING WEEK TO SEE MS. HARBURY AND INQUIRE ABOUT THE WHEREABOUTS OF EFRAIN BAMACA. WHAT WOULD BE GEN ENRIQUEZ' POSTURE CONCERNING SUCH GROUPS? WOULD HE BE AVAILABLE TO SEE THEM? GEN ENRIQUEZ RESPONDED THAT HE WOULD CONTINUE WITH THE SAME POLICY AS ALWAYS--HE WAS OPEN AND WOULD RECEIVE AS MANY VISITORS AS HIS SCHEDULE PERMITTED. ONLY YESTERDAY GEN ENRIQUEZ HAD RECEIVED TWO REPORTERS FROM ARIZONA, WHO HAD TAKEN PICTURES OF VARIOUS ROOMS AND HALLWAYS WITHIN THE MOD'S OFFICIAL RESIDENCE. GEN ENRIQUEZ WAS SURE THE PHOTOS WOULD BE USED TO SHOW THE OPULENCE OF THE MOD'S OFFICIAL RESIDENCE AND THUS ATTEMPT TO DISCREDIT HIM.

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33. GEN ENRIQUEZ EXPLAINED THAT HE EARLIER HAD A MEETING WITH GT OFFICERS INVOLVED WITH THE PREPARATIONS FOR FUERTES CAMINOS 95. HE WAS CONSIDERING WHAT TO DO ABOUT THE U.S. EMBASSY

SUBJECT: MEETING WITH MINISTER OF DEFENSE: JENNIFER HARBURY CASE DISCUSSED.

REQUEST THAT COL CABRERA AND LTC ALPIREZ BE TRANSFERRED FROM MILITARY ZONE 10 AT JUTIAPA. (NOTE: THE EMBASSY HAS REQUESTED THAT BOTH OFFICERS BE TRANSFERRED FROM THE MILITARY ZONE WHERE THE FUERTES CAMINOS 95 BASE CAMP WILL BE ESTABLISHED, BECAUSE THEY WERE INVOLVED IN THE COVERUP OF THE ARMY'S INVOLVEMENT IN THE MURDER OF U.S. CITIZEN MICHAEL DEVINE IN MAY OF 1990.) HE WAS ALSO SAD TO HEAR THAT MG CROCKER, THE ARMY SOUTH COMMANDER, WOULD HAVE TO DELAY HIS VISIT BEYOND 6 NOVEMBER BECAUSE OF MS. HARBURY'S HUNGER STRIKE. HE AND HIS STAFF HAD VERY MUCH BEEN LOOKING FORWARD TO THE VISIT. HE INFORMED THE AMBASSADOR AND DR. NUCCIO THAT HE HAD BEEN INVITED TO VISIT ISRAEL AND WOULD BE THERE FOR NINE DAYS FROM 6-16 NOVEMBER. GEN ENRIQUEZ COMMENTED THAT PRESIDENT DE LEON HAD ACCEPTED AN INVITATION TO TAKE A RIDE THE FOLLOWING DAY IN ONE OF THE TWO FLYABLE A37'S THAT THE AIR FORCE HAD BEEN WORKING HARD ON TO MAKE AIRWORTHY. SINCE THE PRESIDENT WAS FLYING, HE AS MOD HAD NO CHOICE BUT TO GO UP IN ONE OF THE AIRCRAFT AS WELL, A PROSPECT THAT MADE HIM SOMEWHAT NERVOUS.

COMMENTS

34. GEN ENRIQUEZ WAS [REDACTED] WHEN HE DISCUSSED THE BAMACA CASE. AT ONE POINT HE MENTIONED THAT IF BAMACA IS ALIVE HE SHOULD APPEAR TO MS. HARBURY AT NIGHT IN DISGUISE, BUT THEN LATER STATED THAT HE BELIEVED BAMACA WAS DEAD, BUT THEN CAVEATED BY SAYING THAT HE HAD NO PROOF OF THIS. EVEN AN ATTENTIVE LISTENER FAMILIAR WITH THE CASE CAN EASILY BECOME CONFUSED [REDACTED] FURTHER, GEN ENRIQUEZ GAVE THE FIRST INKLINGS THAT THE ARMY MAY HAVE HAD BAMACA AT ONE TIME, WHEN HE REFERRED TO "COMPARTMENTALIZATION" OF OPERATIONS, AND THE FACT THAT HE TOLD GEN GONZALEZ THAT HE SHOULD HAVE HIS

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CI SECTION REVEAL ALL INFORMATION SO GEN ENRIQUEZ WOULD NOT CONTINUE TO LOSE CREDIBILITY OF THE BAMACA CASE. OVERALL, GEN ENRIQUEZ APPEARED SOMEWHAT TENSE AND SHOWED MORE SIGNS OF STRESS THAN USUAL.

35. [REDACTED]

[REDACTED] IT WAS. B1  
OBVIOUS HE HAD DISCUSSED THE ISSUE WITH HIS FELLOW GENERAL OFFICERS MORE THAN ONCE. WHILE AN IMPORTANT FIRST STEP HAS BEEN TAKEN TO CLEAR UP THIS MISUNDERSTANDING, LINGERING DOUBTS ABOUT THE USG'S "REAL" MOTIVES TOWARDS THE URNG UNDOUBTEDLY LINGER.

36. IT IS CLEAR THAT GEN ENRIQUEZ NO LONGER HAS ANY CONFIDENCE IN DEALING WITH MS. HARBURY PERSONALLY. RODRIGO ASTURIAS' OFFER OF AN HONORABLE ALTERNATIVE CLEARLY HAD AN IMPACT ON GEN ENRIQUEZ--WHETHER BECAUSE HE SAW IT AS MORE EVIDENCE OF A LINK BETWEEN MS. HARBURY AND THE URNG, OR BECAUSE HE CONSIDERS IT A POTENTIAL CHANNEL FOR THE ARMY TO NEGOTIATE A SOLUTION TO MS. HARBURY'S HUNGER STRIKE, IS UNCERTAIN. WHILE THE POSSIBILITY THAT BAMACA IS STILL ALIVE IS SLIGHT, IF THE ARMY DOES WANT AN HONORABLE SOLUTION AS PROPOSED BY ASTURIAS THEY MAY WELL BE BACK IN TOUCH.

37. THIS CABLE HAS NOT BEEN CLEARED BY DR. NUCCIO.

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TO: Files

RELEASED IN PART

FROM: George A. Chester, Jr.

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DATE: November 23, 1994

SUBJECT: Conversation with Prosecutor General Ramses Cuestas

Threat to [redacted]

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Cuestas came to my home the evening of November 10 at my request. I briefed Cuestas on the threat which [redacted] had received on his answering machine and of our concerns for his safety in view of the exhumation work he was doing in Rabinal. I noted that [redacted] is on the governing board of Americas Watch and was very worried.

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I informed Cuestas that the Ambassador had already raised this matter with Government Minister Parinello, and that we had also talked to COPREDEH and the Army, asking that appropriate steps be taken to make sure nothing happens to him. I urged him to investigate the matter and gave him a copy of the tape which contained the threat. He said he would do so.

Bamaca

I then asked him what action he had taken concerning the telephone report we had received of a sighting of Efrain Bamaca and faxed to him on November 8. He said he had dispatched Bamaca special fiscal Machuca and two investigators to Jutiapa to follow up the report November 9. They had talked to the Santos family, named in the report as holding Bamaca, but had found nothing untoward. Concerning the third person named, they said they had been told that he had gone to the U.S. The Public Ministry group had reported that they had found no sign of Bamaca.

When I asked Cuestas what the informant had said, he said that the report had been anonymous and therefore his investigators had not talked to him. I noted that the report had not been anonymous and that the name of the informant had been included in the fax sent to the Public Ministry. I showed him a copy of the fax, and reported that we had received another phone call from the informant on November 9, saying he had actually seen Bamaca tied up with his mouth taped and had asked why no one had yet been sent to Jutiapa to see him. Cuestas had no explanation, and said that if necessary he would send the inspectors back again. He said that Machuca had been sent to the exhumation that day (Thursday, November 10) and he would presumably be able to tell Jennifer Harbury and the Congen of the results of his trip to Jutiapa.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/07/95  
Case ID: 951222D3

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EMBASSY GUATEMALA  
CONSULAR SECTION

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Concerning the Bamaca proceeding, Cuestas insisted his investigation would go forward independent of that by the Human Rights Ombudsman. He said he would provide all the information and reports they had so far to the Ombudsman to help in his inquiry. Cuestas was not optimistic, however, that these investigations would clarify the case. He cited four basic possibilities:

1. That Bamaca died in the fire fight and the guerrillas removed his body.
2. That he died in the engagement or just afterwards and is buried in an XX grave somewhere as the Army claims.
3. That he was captured by the Army, interrogated, and when he was no longer useful, he was put on a plane and flown out to sea and thrown out.
4. The Army has turned him and still has him.

Cuestas doubted there was much hope of Bamaca still being alive. The second alternative is the Army's present story and they would presumably wish to locate his body to resolve the matter. If number one had happened, why would the Army have come up with option number two? Number three was the most likely of the four and, if it occurred, there is no possible way it would ever be revealed.

I stressed to Cuestas the importance of following up on the leads in the case. For example, questioning the persons named in the witnesses' statements and determining where they were at the time. He thought many names would be very common, i.e. one would not know whom to question precisely. One could ask the Army, for example, if a Captain Morales was stationed in the area in question at that time and, if so, where he is stationed now. The Army would not provide such information easily, and indeed might claim that named persons had died, etc. I said there would presumably be certain persons, such as Col. Alpires, where there was no doubt whom was intended by the witness. Cuestas looked very uncomfortable, but acknowledged that was true.

I followed up with Cuestas the next day to stress that it would be very important that the files and records held, e.g. by the Army, be safeguarded as part of his investigation. I told him that I understood there were special procedures in the new Penal Procedures Code to do this and asked that he undertake the necessary steps to do so. He gave me an unclear answer, which may indicate that he was unfamiliar with the procedure or that because we were speaking on the phone he did not wish to address the issue directly.

Comment: This conversation indicates to me that there is great reluctance on Cuestas' part to challenge the Army's inner sanctum head on, unless the Army makes it clear that it is prepared to permit him to do so. We will need to continue to press both the Army and Cuestas.

Approved: Ambassador 

Cleared: A/DCM-CKeil 

cc: Amb, DCM, DAO, CONS, Pol, Pol2, INR/OIL/B, ARA/CEN

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ARA/ED - Peg Williamson  
Memos, Harbury E-Mail

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United States Department of State

Washington, D. C. 20520

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November 25, 1994

INFORMATION MEMORANDUM

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TO: The Secretary  
THROUGH: G - Mr. Wirth  
FROM: DRL - John Shattuck  
SUBJECT: Guatemala Trip, November 16-18, 1994

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SUMMARY

During my November 16-18 visit to Guatemala, the President and Minister of Defense assured me they will cooperate with the investigation of the disappearance of the Guatemalan husband of American citizen Jennifer Harbury. Both in Guatemala and in a meeting with Harbury in Tony Lake's office November 21, I emphasized the importance of demonstrating the relationship between the ongoing peace process and the resolution of this and other individual cases. The new UN Verification Mission's agreement to handle this case links the issue to the peace process, the success of which is key to making progress on broader human rights and democracy issues in Guatemala.

DISCUSSION

Harbury Case and the Peace Process: The purpose of my trip was to emphasize to the Government the importance of resolving the disappearance of Guatemalan guerrilla Efraim Bamaca Velazquez (husband of American citizen Jennifer Harbury) and other significant human rights cases involving American citizens. President Ramiro de Leon Carpio and Minister of Defense General Mario Enriquez assured me they will cooperate fully in the investigation. The Minister of Defense said he was willing to make available those Army personnel allegedly involved. The President also asked the newly-established UN Human Rights Verification Mission in Guatemala (MINUGUA) to participate in the investigation. These represent important advances, and are positive markers we can refer to in the future.

I also met with the head of MINUGUA who agreed to the request to help out on the case. MINUGUA's mandate is to

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Review Authority: MOSKOWITZ, SAM  
Date: 09/07/95  
Case ID: 951222D3

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investigate current, not past, human rights abuses, but because the possibility remains that Bamaca is alive, all parties have agreed that MINUGUA has a role to play. This is important on many levels. Guatemala's justice system is extremely weak, and the Human Rights Ombudsman showed little energy in pursuing an investigation. Having MINUGUA handle it will give the investigation and the results more credibility. This also provides MINUGUA the chance to demonstrate early on that it can and will investigate difficult cases, which may give Guatemalans confidence in this important element of the peace process. The U.S. is assisting MINUGUA with funding and will provide police monitors.

Interlocutors from the Government, the human rights community, and the private sector emphasized that a successful peace process is the key to advancing other goals, including protecting human rights, lessening the military's influence, strengthening democracy and building a stronger economy.

On Monday, November 21, after my return to Washington, I joined Tony Lake, Leon Fuerth, and Richard Feinberg in a meeting with Harbury. We stressed the importance of the resolution of this case within the context of the peace process. Harbury agreed to cooperate with MINUGUA.

Broader Human Rights Concerns: Although serious abuses continue, there have been significant steps forward in improving the judicial system to end impunity for human rights abuses and violence committed by all sides. USAID's Administration of Justice program has contributed significantly to this. In addition, the Guatemalan Congress has begun to play a role in investigating reported problems; while I was in Guatemala it called senior officials to testify regarding the killing of a student by police in riots earlier in the week. These are small but significant steps for Guatemala.

Labor and GSP Review: The President also promised a serious investigation into events during a workers' protest at "La Exacta" farm in which several were killed or injured. The case is an element of our review of Guatemala's GSP status, which was initiated because of worker rights issues, including the efficacy of labor courts and violence against union leaders.

Strengthening Democratic Participation: More than once during my meetings with human rights and other civil society organizations I was struck by their relatively low level of participation in the political process. With elections coming up in 1995, I stressed the importance of participation as a way of advancing Guatemalan democracy.

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Drafted by:  
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Cleared by:

DRL/AAA:MCarter  
G:JFarrar  
ARA/CEN:JHamilton

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Department of State

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GUATEM 11485 00 OF 02 291852Z  
BUT NOTE THE OMBUDSMAN'S INVESTIGATION WAS AN  
OFFICIAL, SUPREME COURT-ORDERED EFFORT.

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DOEE-00 EB-00 EUR-00 FBIE-00 H-01 TEDE-00 INR-00  
10-16 LAB-01 L-00 ADS-00 N-00 NSAE-00 NSCE-00  
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FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC PRIORITY 7769  
INFO AMEMBASSY MADRID  
DIA WASHDC  
AMEMBASSY CARACAS  
AMEMBASSY OSLO  
AMEMBASSY BOGOTA  
USMISSION USUN NEW YORK  
ARA CENTRAL AMERICA  
AMEMBASSY MEXICO  
USCINCSO QUARRY HEIGHTS PM

CONFIDENTIAL GUATEMALA 011485

CINCSO FOR POLAD

E.O. 12356: DECL: OADR  
TAGS: PINS, PREL, PGOV, MARR, PHUM, UN, GT  
SUBJECT: PEACE PROCESS; NEXT STEPS

REF: (U) STATE 339545  
(Q) GUAT 11393 AND PREVIOUS

1. CONFIDENTIAL -- ENTIRE TEXT.

2. EMBASSY BELIEVES REF A WAS AN IMPORTANT STEP IN  
BEGINNING OUR EFFORT TO BREAK THE PEACE TALKS  
LOGJAM. PARAGRAPH FIVE OF REF A RAISED A NUMBER OF  
SPECIFIC QUESTIONS. REF B IS OUR ASSESSMENT OF URNG  
MOTIVATION. AS FOR THE MILITARY PERSONNEL ACCUSED OF  
PARTICIPATING IN BAHACA'S DISAPPEARANCE, THE  
OMBUDSMAN'S OFFICE:

INTERVIEWED THE FOLLOWING PERSONS IN THE  
COURSE OF ITS INVESTIGATION:

- LT. COL. EDELBERTO BARAMONA
- COL. JULIO ALBERTO SOTO BILBAO
- COL. JULIO ROBERTO ALPIREZ
- MAJOR MARIO ERNESTO SOSA ORELLANA
- MAJOR ULISES MOE AMZUETO GIRON
- CAPT. SALVADOR EDUARDO RUBIO PARRA
- MAJOR OSCAR EDUARDO ARAGON CIFUENTES
- SERGEANT MARGARITO SARCENO NEDRANO
- SPECIALIST SIMEON CUN CHUTA
- LT. EDVIN MANUEL LEWIS VASQUEZ
- SPECIALIST JUAN JOSE OROZCO GIRON
- SPECIALIST JACOBO RENE ALFARO LOARCA

3. ACCORDING TO THE OMBUDSMAN'S REPORT, THE MILITARY  
OFFICERS PROFESSED TO KNOW NOTHING ABOUT BAHACA  
(TODOS LOS MILITARES ENTREVISTADOS DESCONOCEN O NADA

SABEN ACERCA DE LA CAPTURA O FALLECIMIENTO\* OF  
BAHACA. IN A DECEMBER 15 MEETING WITH

WE WERE TOLD THE ARMY PERSONNEL  
INTERVIEWED PRESENTED  
MORE-OR-LESS UNIFORM NONRESPONSES TO THE QUESTIONS  
POSED. WE ARE CHECKING TO SEE IF THE PUBLIC MINISTRY  
HAS SEPARATELY INTERVIEWED THE MILITARY PERSONNEL.

B1

B1  
B1

B1

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/96  
Case ID: 95122203

CONFIDENTIAL  
UNCLASSIFIED

Jennifer Harbury Papers  
Nettie Lee Benson Latin American Collection

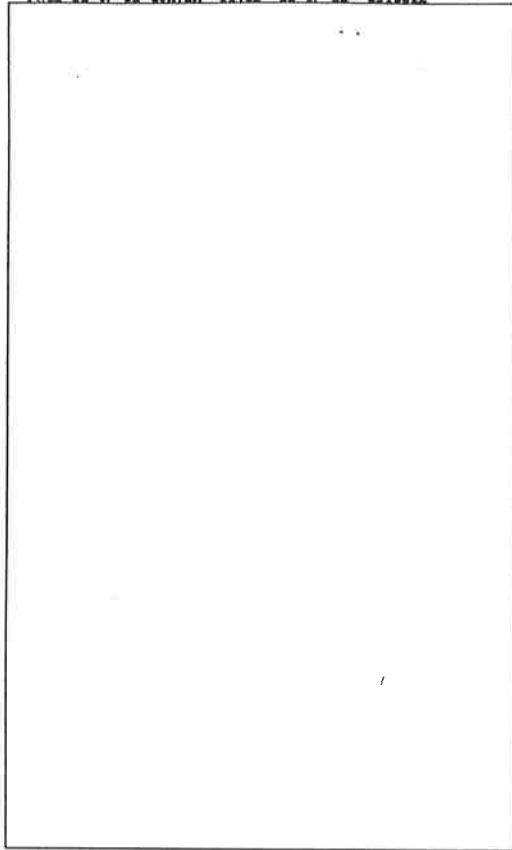
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CONFIDENTIAL  
*Department of State*

INCOMING  
TELEGRAM

PAGE 02 OF 02 GUATEM 11485 00 OF 02 291852Z

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B1

NCAFE

CONFIDENTIAL  
UNCLASSIFIED

0005 000243

HPONTING

November 29, 1994

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 <INTD> A1779LBY138  
 <PREC> D  
 <STORY CATEGORY> I  
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 BC-GUATEMALA-HARBURY 11-28 0296  
 <TEXT>

BC-GUATEMALA-HARBURY

U.S. WOMAN HUNGER STRIKER RETURNS TO GUATEMALA

GUATEMALA CITY, NOV 28 (REUTER) - A U.S. WOMAN WHO RECENTLY STAGED A 32-DAY HUNGER STRIKE IN GUATEMALA SEEKING INFORMATION ABOUT HER MISSING LEFTIST REBEL HUSBAND RETURNED ON MONDAY TO CONTINUE PRESSING HER CAUSE.

HARVARD-EDUCATED LAWYER JENNIFER HARBURY SAID SHE WOULD TALK WITH MEMBERS OF A UNITED NATIONS MISSION WHICH BEGAN MONITORING HUMAN RIGHTS IN GUATEMALA A WEEK AGO AND TALK TO GOVERNMENT OFFICIALS SAID TO BE LOOKING FOR HER HUSBAND.

"I'M HERE TO ASSIST WITH INVESTIGATIONS. I'M READY TO ROLL," SHE TOLD REUTERS AS SHE ARRIVED AT THE AIRPORT.

HARBURY SAYS HER HUSBAND, TOP GUERRILLA LEADER EFRAIN BAHACA VELASQUEZ, WAS TAKEN BY THE ARMY DURING A BATTLE BETWEEN TROOPS AND REBELS IN MARCH 1992 AND MAY STILL BE A PRISONER.

THE U.S. GOVERNMENT, THROUGH ITS INTELLIGENCE SOURCES HERE, HAS SUPPORTED HER CLAIMS.

BUT GUATEMALA'S POWERFUL ARMY INSISTS BAHACA DIED IN BATTLE OR KILLED HIMSELF TO AVOID CAPTURE.

HARBURY LAUNCHED A HUNGER STRIKE IN FRONT OF THE NATIONAL PALACE TO FORCE THE GOVERNMENT TO DISCLOSE THE WHEREABOUTS OF HER HUSBAND, BUT BROKE IT OFF EARLIER THIS MONTH TO GO TO WASHINGTON TO MEET WITH OFFICIALS THERE.

UNDER PRESSURE FROM THE U.S. GOVERNMENT, PRESIDENT RAMIRO DE LEON CARPIO RECENTLY ORDERED A FULL INVESTIGATION INTO BAHACA'S DISAPPEARANCE.

MEMBERS OF THE U.N. HUMAN RIGHTS MISSION -- KNOWN BY ITS ACRONYM MINUGUA -- SAID ON MONDAY THEY HAD BEEN ASKED BY THE GOVERNMENT'S HUMAN RIGHTS OMBUDSMAN'S OFFICE TO ASSIST IN THE INVESTIGATION.

THE U.N. MISSION WAS SET UP THROUGH A MARCH HUMAN RIGHTS ACCORD SIGNED BY THE GOVERNMENT AND REBELS AS PART OF PEACE TALKS AIMED AT ENDING GUATEMALA'S 34-YEAR CIVIL WAR.

IT WILL MONITOR INVESTIGATIONS INTO HUMAN RIGHTS CASES AND RECEIVE TESTIMONY ABOUT ABUSES.

REUTER

REUT17:40 11-28

United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 09/08/95  
 Case ID: 961222D4

INR/IL  
 Guatemala

INRIS

INR INFORMATION SUPPORT SYSTEM

0005 000244

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~~CONFIDENTIAL~~  
DECL:OADR

RELEASED IN PART  
B1,A3,A5,B5

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT  
November 30, 1994  
ARA/CEN

E4910  
GUATEMALA PROJECT  
Harbury: ASDAR  
ARA/CEN  
ARA (2 of 3)

GUATEMALA

[Redacted]

B1

(U) Calls and Letters on Fuertes Caminos: ARA/CEN has received a spate of calls and letters, including from Congressional staffers, about Fuertes Caminos, and particularly the involvement of the Minnesota National Guard.

[Redacted]

EL SALVADOR

[Redacted]

B1,B5

(U) Condolence Wreath for Archbishop: Following the practice of other Embassies in El Salvador and the recommendation of local protocol authorities, the Embassy has sent a large wreath to the Catholic church as an expression of condolence for the death of Archbishop Rivera y Damas from a heart-attack last weekend. (Griffin)

REGIONAL

(U) Good to Go on CONCAUSA: USTR agreed today to go back to the Guatemala text on our support for ITP. The Central Americans are pleased and we now hope to get final CentAm approval to the entire text shortly. (Farnsworth)

UDDS 000263

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D4

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RELEASED

E4916

DSAVASTUK

1

November 1, 1994

CONFIDENTIAL MEXICO 025587

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 <ORIG> ATS-INC  
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CONFIDENTIAL INC6037

PAGE 01 MEXICO 25587 010119Z  
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 DOEE-00 DOEE-00 EB-01 EUR-01 M-01 INH-02 TEDE-00  
 INR-00 IO-14 LAB-01 L-01 ADG-00 M-00 NSAE-00  
 NSCE-00 OIC-02 QMS-01 PA-01 PH-00 PRS-01 P-01  
 SXP-00 SP-00 SR-00 SS-00 STR-01 TRSE-00 T-00  
 USIE-00 PMS-00 PRME-01 DRL-09 G-00 /059H  
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&lt;PREC&gt; P

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312312Z OCT 94

&lt;PR&gt;

FM AMEMBASSY MEXICO

&lt;TO&gt;

TO SECSTATE WASHDC PRIORITY 7120  
 INFO AMEMBASSY GUATEMALA PRIORITY  
 USMISSION USUN NEW YORK PRIORITY  
 ALL USCONS MEXICO  
 USMISSION GENEVA  
 AMEMBASSY TEQUIGALPA  
 AMEMBASSY SAN SALVADOR  
 AMEMBASSY SAN JOSE  
 AMEMBASSY ROME  
 AMEMBASSY OSLO  
 AMEMBASSY MADRID  
 AMEMBASSY MANAGUA  
 AMEMBASSY CARACAS  
 AMEMBASSY BOGOTA  
 AMEMBASSY BELIZE

&lt;CLAS&gt;

CONFIDENTIAL MEXICO 025587  
 CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MEXICO 25587 010119Z  
 DEPT. FOR ARA/FO (R. MUCCIO), ARA/CEN, AND ARA/USOAS  
 ROME PASS VATICAN  
 E.O. 12336: DECL:OADR  
 <TAGS>  
 TAGS: PREL, PCOV, PHUM, UN, OAS, IACHR, GT, MX  
 <SUBJ>

SUBJECT: GUATEMALAN PEACE PROCESS: BAHACA  
 CASE SEEN AS MATTER FOR UN MISSION

&lt;TEXT&gt;

1. CONFIDENTIAL - ENTIRE TEXT.  
 2. DURING MEETINGS IN MEXICO CITY OCTOBER 25-26  
 TO DISCUSS THE PEACE PROCESS (SEPTELS), SPANISH  
 AMBASSADOR TO MEXICO JUAN PABLO DE LA IGLESIA AND  
 MEXICAN SECRETARIAT FOR FOREIGN RELATIONS (SRE)  
 UNDERSECRETARY FOR LATIN AMERICA JORGE PINTO BOTH  
 OLD ARA SENIOR ADVISOR RICHARD MUCCIO THAT THE  
 CASE OF COMANDANTE EVERARDO (EFRAIN BAHACA  
 VELASQUEZ) IS SIGNIFICANT AND MERITS THE ATTENTION  
 OF THE UN HUMAN RIGHTS VERIFICATION MISSION IN  
 GUATEMALA (MINUGUA).  
 (NOTE: ANCIT JENNIFER HARBURY, BAHACA'S WIFE, IS

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INR INFORMATION SUPPORT SYSTEM

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United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 09/08/95  
 Case ID: 951222D4

InR/IL  
 Guatemala

UDOS 000269

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2

November 1, 1994

CONFIDENTIAL MEXICO 025587

CURRENTLY ON A HUNGER STRIKE IN GUATEMALA DEMANDING THAT THE GOG RELEASE HER HUSBAND IF HE IS ALIVE, INFORM HER OF HIS FATE, OR RETURN HIS BODY. BAHACA WAS CAPTURED BY THE GOVERNMENT IN 1992. END NOTE.)

URNG COMMANDER RODRIGO ASTURIAS, WHO RECRUITED BAHACA, OVERSAW HIS POLITICAL DEVELOPMENT AND HAD  
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 MEXICO 25587 010119Z  
A CLOSE PERSONAL RELATIONSHIP WITH HIM, TOLD MUCCIO OCTOBER 27 THAT DURING THE OCTOBER 19-24 ROUND BETWEEN THE URNG AND THE GOG ON INDIGENOUS PEOPLES, HE MADE THE FOLLOWING OFFER TO THE GOG: RELEASE BAHACA ("IN WHATEVER CONDITION HE IS IN") AND IN RETURN THE URNG WILL KEEP THE CASE QUIET AND WITHDRAW LEGAL ACTIONS IN GUATEMALA AND WITH THE INTER-AMERICAN HUMAN RIGHTS COMMISSION. ASTURIAS SAID THE GOG DID NOT REJECT THE OFFER OUT OF HAND, AND HE IS WAITING FOR A REPLY. 4. ASTURIAS ALSO SAID THAT IF IT APPEARS THAT THE GOG WILL NOT RESPOND TO PRESSURE, AND JENNIFER HARBURY'S LIFE IS IN DANGER DUE TO HER HUNGER STRIKE, THE URNG WOULD TRY TO PERSUADE HER TO GIVE IT UP. THEY WOULD CONTINUE TO PURSUE LEGAL REMEDIES, BOTH IN GUATEMALA AND IN THE IACHR. ASTURIAS ADDED THAT EVEN IF BAHACA IS NOT ALIVE, MINUGUA SHOULD STILL PURSUE THE CASE. IN RESPONSE TO MUCCIO'S QUERY, ASTURIAS SAID THE URNG WOULD REGARD IT AS A POSITIVE GESTURE IF THE U.S. WERE TO DECIDE TO PROVIDE INVESTIGATORS TO MINUGUA TO ASSIST IN THIS (AND OTHER) CASES. 5. ARA ADVISOR MUCCIO HAS CLEARED THIS CABLE. JONES

COM

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ACS -  
RELEASED 76

E4930

MEMORANDUM

DATE : December 1, 1994  
TO : The Ambassador  
FROM : DCM - John F. Keane  
SUBJECT: PRESS GUIDANCE

Attached is the press guidance prepared by ARA for Lee McClenny's direct response to Mike Wallace's most recent phone call.

cc: AOK  
CONS  
USIS  
DAO  
ECON  
RSO

327 225  
AMBASSY GUATEMALA  
CONSULAR SECTION

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

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VDOS 000293

UNCLASSIFIED

E4930A

11/30/94

RELEASED

-- WE DO NOT KNOW WHETHER OR NOT JENNIFER HARBURY'S HUSBAND IS ALIVE.

-- BASED ON ALL THE INFORMATION AVAILABLE TO US FROM A VARIETY OF SOURCES, WE HAVE CONCLUDED THAT EFRAIN BAMACA WAS TAKEN CAPTIVE BY GUATEMALAN ARMY IN MARCH 1992.

-- WE HAVE NO INFORMATION TO INDICATE THAT HE WAS ALIVE MUCH BEYOND THE FIRST FEW WEEKS AFTER HIS CAPTURE.

-- IN THE ABSENCE OF SOLID EVIDENCE ON WAY OR THE OTHER, WE HAVE ASSUMED THROUGHOUT THAT HE COULD STILL BE ALIVE, AND WE HAVE ACTED ACCORDINGLY.

IF ASKED: *(Did you have info he was thrown out of a helicopter?)*

-- NO, THAT IS NOT THE CASE. WE HAVE BEEN AS FORTHCOMING WITH MS. HARBURY AS POSSIBLE, AND HAVE GONE TO EXTRAORDINARY LENGTHS TO GIVE HER ASSISTANCE.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

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U D O S 0 0 0 2 9 4



E4931

ROBERT J. GIBSON & ASSOCIATES

ATTORNEYS AT LAW  
3017 BRAZOS STREET  
HOUSTON, TEXAS 77006

RELEASED

(713) 520-7117

12-1- 1994

IN RE: JENNIFER HARBURY  
AND  
EPHRIAM BAMACA

TO WHOM IT MAY CONCERN:

A search was made of Travis County, Texas, U.S.A., marriage, and Declaration and Registration of common law marriages, on November 30, 1994 by this writer.

Travis county has not computerized these records before December, 1992. The search reviewed the computer listings since that time and the manually executed records before that time for the dates hereafter listed. They were checked under both the male name and the female name.

The ledgers each covered the following dates:

1983 through 1985  
Fall of 1985 through Spring of 1987  
Spring of 1987 through Winter of 1988  
End of 1988 through Summer of 1990  
Summer of 1990 through April of 1992  
March of 1992 through November of 1992  
Computer listings from December of 1992 until November 28, 1994.

The ledger covering the relevant date of September 25, 1991 was double checked by an employee of the Travis County Clerks office.

In none of the above records appeared any record of either of the referenced parties having been married in Travis County, Texas, U.S.A., so far as could be discerned.

There is also a record kept in Travis County of filings of "Domestic Partners". These are apparently set up in keeping with local ordinances allowing homosexuals, etc., to file as partners and such unions do not constitute a marriage. Therefore, I did not search these records.

United States Department of State  
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Case ID: 951222D5

UDDS 000295

There is a provision for an "absent applicant" to obtain a "marriage license". ( this is for a ceremonial marriage as opposed to a common law marriage). I enclose a copy of that statute.

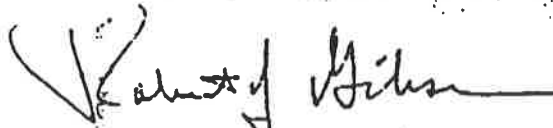
I also enclose a copy of the statute authorizing a common law marriage, or as the statute entitles it, an "Informal Marriage".

I also enclose a copy of the statute authorizing the filing of such an informal marriage. You will note in Sec 1.92, number (5) a requirement is that the couple satisfy the requirements of an informal marriage " in this state". This would, or might be, because other jurisdictions do not recognize or authorize such " common law" marriages. Therefore the couple would have to satisfy the requirements of Sec. 1.91 within the State of Texas (mutually) and any absentee compliance might be unsatisfactory.

You will also note that in Sec. 1.94 the statute requires that the Clerk "have each party sign the declaration in his presence" and execute his certificate to the declaration

I find no statute providing an "absentee" appearance for a declaration of an informal marriage.

We trust this information might be of some value to you in your besiged condition.



Robert J. Gibson  
Attorney at Law

000S 000296

John H. mentioned a letter from a Texas lawyer who claims that Harbury's marriage was not legal. Can you fax it to us, please? Hugh

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E4931B

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

327225  
AMEMBASSY GUATEMALA  
POL SECTION - 1995-95  
RELEASABLE EMAIL

UNCLASSIFIED

000S 000305

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E4932

RELEASED

OFFICE OF THE DEPUTY CHIEF OF MISSION

12/1/94

12:15

Ans-

I replied to pgg that we  
were checking on legal basis  
for the 15 day limit, so could  
not comment further on that  
issue if asked, and we would  
advise dept. asap.

With that understanding I  
cleared this, which came in  
at 12:00 now for immediate  
clear when you were out.

327225

AMEMBASSY WASHINGTON  
POLITICAL SECTION

J

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

UNCLASSIFIED

U D O S 000306

? UNCLASSIFIED Dec 1, 1994

E4932A

RELEASED

GUATEMALA: HARBURY/BAMACA CASE

Q: Do you have any comments on reports that Jennifer Harbury has filed charges against Guatemalan military officers for the murder of her husband? What do we know about this? What are we doing to help her?

A: JENNIFER HARBURY RETURNED TO GUATEMALA EARLIER THIS WEEK, AS SHE HAD SAID SHE WOULD, TO COOPERATE WITH THE GUATEMALAN GOVERNMENT'S INVESTIGATION AND TO FILE CRIMINAL CHARGES AGAINST PEOPLE SHE BELIEVES ARE RESPONSIBLE FOR THE DISAPPEARANCE OF HER GUATEMALAN GUERRILLA HUSBAND, EFRAIN BAMACA.

WE DO NOT BELIEVE SHE HAS FILED THE CHARGES YET.

ON NOVEMBER 29, THE GOVERNMENT OF GUATEMALA TOOK LEGAL ACTION TO FORCE HARBURY TO FILE CHARGES WITHIN FIFTEEN DAYS OR LOSE THE RIGHT TO DO SO SUBSEQUENTLY.

REGARDING MR. BAMACA, WE DO NOT KNOW IF HE IS ALIVE OR DEAD AND WE HAVE NEVER HAD ANY INDICATION THAT HE WAS LIVING MUCH BEYOND THE FIRST FEW WEEKS AFTER HIS CAPTURE IN MARCH 1992.

NEVERTHELESS, WE HAVE ASSUMED THROUGHOUT THAT HE COULD STILL BE ALIVE, AND WE HAVE ACTED ACCORDINGLY, PRESSING THE GUATEMALAN GOVERNMENT PERSISTENTLY AND AT THE HIGHEST LEVELS FOR A FULL ACCOUNTING.

WE WILL CONTINUE TO OFFER MS. HARBURY CONSULAR ASSISTANCE AND TO BE HELPFUL IN EVERY WAY WE CAN.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 95122205

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RELEASED

United States Department of State

Washington, D. C. 20520 287/141



**ACTION MEMORANDUM**

S/S

**CONFIDENTIAL** (with SECRET attachment)  
DECL:OADR

NFC, 1 - 100

**TO:** P - Mr. Tarnoff  
**FROM:** ARA - Alexander F. Watson  
**SUBJECT:** Guatemala: Harbury/Bamaca Human Rights Case

**ISSUE FOR DECISION**

Whether to authorize sending the attached paper to National Security Adviser Lake discussing possible steps to apply additional pressure to the Guatemalan government to resolve the disappearance case of Efraim Bamaca.

**ESSENTIAL FACTORS**

The NSC has asked us to prepare a paper that discusses the advantages and disadvantages of a full range of measures that could be taken to apply additional pressure to resolve the case of the disappearance of Guatemalan guerrilla Efraim Bamaca. Bamaca's American citizen wife Jennifer Harbury met with Mr. Lake November 21.

This case, which attracted considerable press and public attention during Harbury's recent month-long hunger strike in Guatemala and appearance on "60 Minutes," has sparked calls for cutting off aid and trade to Guatemala. It has considerable potential to affect bilateral relations and the ongoing peace process. The USG has already provided extensive assistance to Ms. Harbury and has pressured the GOG intensely to resolve this case. Most of the measures outlined in the attached paper have the potential to damage rather than further our interests in Guatemala. Other bureaus who cleared this memo voiced disquiet about even suggesting these, given their serious drawbacks. However, the NSC staff has made it clear that Mr. Lake would like to see a comprehensive list.

**CONFIDENTIAL**

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

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VDOS 000310

UNCLASSIFIED

Drafted:ARA/CEN:FWillingham  
SEARAELG 21102 11/30/94 x7-3559

Cleared:ARA:ANPatterson  
ARA/CEN:JHamilton *pr for*

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VDOS 000311

UNCLASSIFIED

E4949 FAIM



United States Department of State

Washington, D.C. 20520

RELEASED

940129-2171

DEC 2 1994

Dear Senator Faircloth:

Thank you for your letter of November 10 in which you convey the interest of your constituent, Dr. Hugo J. Uyttenhove, in the welfare of Jennifer Harbury and her Guatemalan national husband, Efrain Bamaca Velasquez.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

Due to the strong interest in the case, the Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in 30 days.

Ms. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992. On November 21 Ms. Harbury met in Washington with National Security Advisor Anthony Lake to discuss the case.

Based on all the information available to us, we believe that Efrain Bamaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

The Honorable  
Lauch Faircloth,

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/08/95  
Case ID: 951222D5

Senate.

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**UNCLASSIFIED**

**- 2 -**

**Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.**

**We hope that this information has been of help to you. Please contact us if we can be of further assistance.**

**Sincerely,**

**Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs**

**Enclosure: correspondence returned.**

**UNCLASSIFIED**

**U D O S 000340**

UNCLASSIFIED

drafted:ARA/CEH:JConnerley/PWillingham:JC  
SEABARLG 21075 28NOV94 z73330

cleared:ARA/CEH:JHamilton  
:ARA/CEH:ESimon  
:ARA/P:LMcClenny  
:H/ARA:MVeloz  
:DRL/AAA:NCurtin

*clear*

UNCLASSIFIED

Jennifer Harbury Papers

Not to be used for any other purpose

UDDS 000341



P 9507 UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

November 29, 1994

E4953A

RELEASED IN PART

B6

Ms. Betty G. Atkins

B6

Dear Ms. Atkins:

Thank you for your letter of October 22 to President Clinton about the welfare of Jennifer Harbury and her Guatemalan national husband, Efraim Samaca Velasquez. The White House has asked that I reply on behalf of the President.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

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Ms. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992. On November 21 Ms. Harbury met in Washington with National Security Advisor Anthony Lake to discuss the case.

Based on all the information available to us, we believe that Efraim Samaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 09/12/95  
Case ID: 951222D6

UNCLASSIFIED

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Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.

Sincerely,

*John R. Hamilton*

John R. Hamilton  
Director  
Office of Central American Affairs

Enclosure: correspondence returned.

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0005 000350

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RELEASED IN PART

E4981B

B1A5

Background Information: Harbury/Bamaca Case

Foreign Minister de Vielman will plead for USG understanding of the difficulty the de Leon administration faces in acting forcefully on the case of Efraim Bamaca, a Guatemalan guerrilla who disappeared in 1992. It is important to reaffirm the USG's interest in improved human rights in Guatemala, while also expressing our continued support for the peace process and for de Leon's desire to strengthen democracy and respect for human rights.

Bamaca Case

This case first came to our attention in March 1993, when Harbury approached our embassy in Guatemala to seek assistance in locating the remains or determining the whereabouts of her common-law husband, who had disappeared after a battle with the Guatemalan army the year before. Although Bamaca was originally believed killed in battle, two ex-guerrillas told the UN and the OAS in 1993 that they had seen him and other guerrillas in clandestine army captivity. Harbury has made a high-profile effort since then to learn of Bamaca's fate, including two hunger strikes, an appearance on "60 Minutes," and a November 21 meeting with National Security Adviser Lake and the Vice President's National Security Adviser, Leon Fuerth.

Our embassy has provided extensive assistance to Harbury and has pressed the Guatemalan government repeatedly and at the highest levels for a thorough and transparent investigation of the case. We have told President de Leon and Harbury that, according to all information available to us, the Guatemalan military did in fact capture Bamaca, who was lightly wounded. We have no reports to indicate that Bamaca was alive much beyond the first few weeks after his capture. We have urged de Leon to conduct a complete investigation, which is now underway. (Assistant Secretary Shattuck visited Guatemala November 16-18 to press this point.) De Leon, a former Human Rights Ombudsman, shares our interest in resolving the case but has expressed frustration at the obstacles he faces, particularly the likely opposition of the military. He made this point to the Vice President on the margins of the Zedillo inauguration last week.

Harbury returned to Guatemala on November 28. The following day, the GOG announced that it was taking legal action to force Harbury to file criminal charges within fifteen days against Guatemalan military officials, as she had publicly declared she was going to do. Harbury cannot leave the country during this fifteen-day period. Last week, the Guatemalan Attorney General publicly declared that the GOG may file criminal charges against Harbury for "defaming" the Guatemalan state -- a move that is apparently legal under Guatemalan law, but which has only served to worsen the GOG's image with Congressional staffers, NGOs and others in the U.S.

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/14/95  
Case ID: 951222D7

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U D O S 000401

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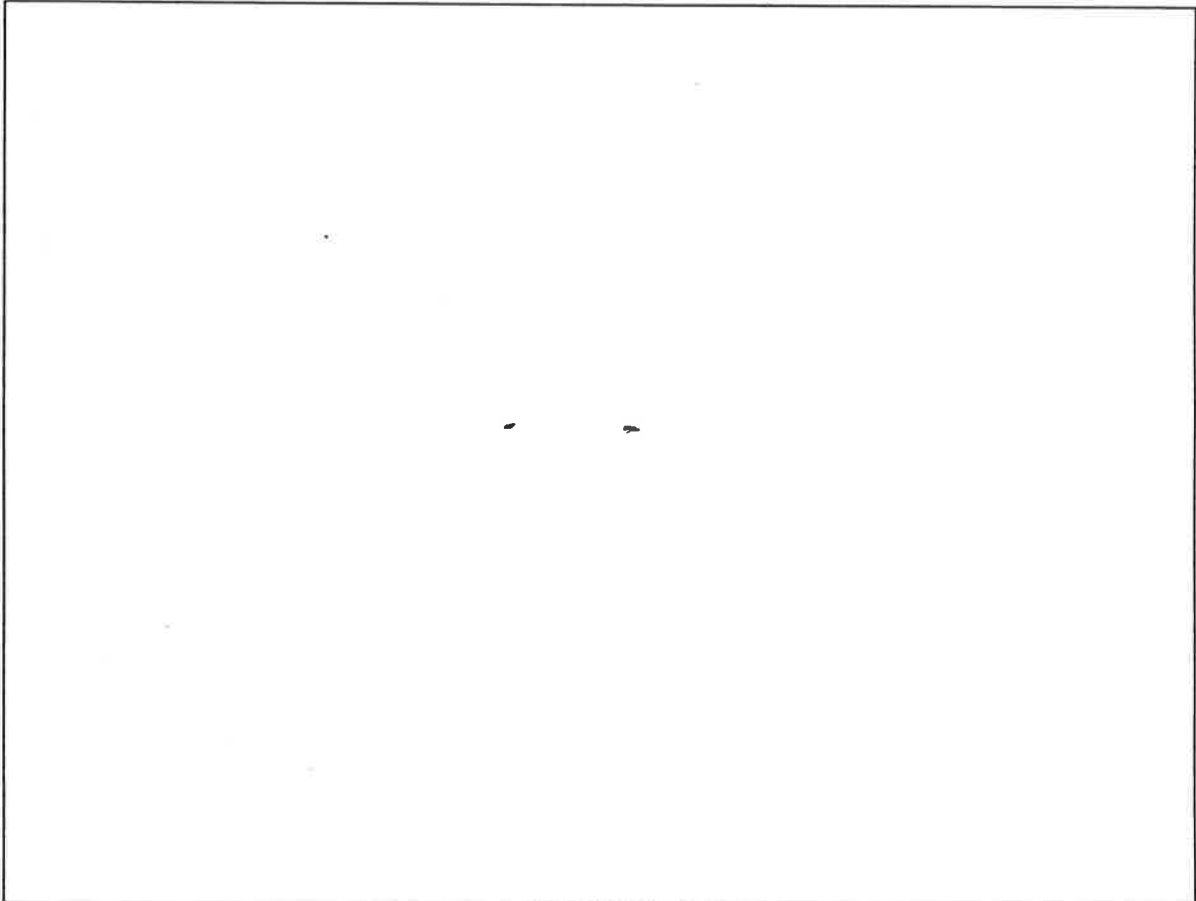
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US Interests in Guatemala and the Bamaca Case

The principal US interests in Guatemala are the maintenance of civilian rule, the strengthening of its fragile democratic institutions, and the modernization of Guatemala's economy to increase the well-being of the majority of Guatemala's population. Critical to our successful efforts to advance these interests have been strong stands on human rights (including suspension of all military assistance since 1990) and support for a fitful peace process which has finally taken on real momentum in 1994.

The Guatemalan government regards our pressure about this case and our assistance to Harbury as evidence that we have tilted toward the guerrillas, whom they regard with some justification as bent on derailing the peace process. The GOG maintains that Harbury is an agent, or at the very least a pawn, of the URNG. They are skeptical about Harbury's claim that she was married to Bamaca and point to her inability to produce any photos of the couple together. The GOG believes that Harbury is serving the URNG's desire to delay a final peace accord indefinitely.

Peace Process



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U D O S 000402

Drafted: ARA/CEN: PWilliams  
SEARAELG 21120 12/5/94

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Cleared: ARA: APatterson  
" ARA/CEN: JHamilton  
" ARA: RNuccio (subs)  
" P: LBassett  
" DRL/AAA: MCurtin

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VDOS 000403

~~CONFIDENTIAL~~  
DECL:OADR

RELEASED IN PART

B1,A5

ASSISTANT SECRETARY'S DAILY ACTIVITY REPORT  
December 6, 1994  
ARA/CEN

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PANAMA

GUATEMALA PROJECT  
Harbury: ASDAR  
ARA/CEN  
ARA (2 of 3)  
E4989

B1

GUATEMALA

(C) Tarnoff/De Vielman Meeting: In her meeting with the Acting Secretary, Foreign Minister de Vielman pleaded for U.S. understanding on the Harbury case and recognition of how far Guatemala has come on human rights in recent years. Tarnoff reiterated U.S. support for the peace process and said that the U.S. wants to work in cooperation with the GOG on the Harbury case, but told de Vielman that we would expect more than her assertion that they have already done all they can.  
(PWillingham)

Approved: ARA/CEN:JHamilton *g m*

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/14/95  
Case ID: 951222D7

~~CONFIDENTIAL~~

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0005 000404



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RELEASED

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PROG 12-06-94  
AMBASSADOR

CONS: LAGORMAN  
DCM: JFKEANE, POL: LKUSNITZ  
BAMA

AMEMBASSY GUATEMALA  
SECSTATE WASHDC  
INFO ARA CENTRAL AMERICA  
USCINCSO QUARRY HEIGHTS PM

CINCSO FOR POLAD

DEPT ALSO FOR CA - DAVID HOBBS

Pls pass to Cong Richardson, HPSCI

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/14/95  
Case ID: 951222D7

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PGOV, PINR, GT  
SUBJECT: HARBURY MEETS WITH CONG. BILL RICHARDSON

REF: GUATEMALA 10853

1. CONFIDENTIAL -- ENTIRE TEXT.

2. SUMMARY: NEW MEXICO CONGRESSMAN BILL RICHARDSON MET WITH JENNIFER HARBURY ON DECEMBER 2 TO DISCUSS THE CASE OF HER MISSING HUSBAND, URNG COMMANDER EFRAIN BAMACA, AND HER VIEWS ON THE RELATION BETWEEN THAT CASE AND THE PEACE PROCESS IN GUATEMALA. HARBURY OUTLINED HER PROPOSAL FOR THE APPLICATION OF SANCTIONS AGAINST GUATEMALA SHOULD THE BAMACA CASE CONTINUE UNRESOLVED. SHE MAINTAINS THAT UNTIL THE GOG IS FACED WITH REAL CONSEQUENCES FOR ITS ACTIONS (I.E., SANCTIONS) HUMAN RIGHTS VIOLATIONS WILL CONTINUE AND IMPUNITY WILL NOT BE BROKEN. IN HER VIEW, THE PEACE PROCESS WILL BEGIN TO MOVE FORWARD AGAIN WHEN THE LOWER CLASSES SEE THAT THE ARMY IS NEGOTIATING IN GOOD FAITH, CITING HER HUSBAND'S PRESENTATION AND A SIGNIFICANT DECREASE IN HUMAN RIGHTS VIOLATIONS AS A SIGN OF THAT FAITH.

3. SHE REPEATED THAT IF BAMACA IS PRODUCED ALIVE, SHE WILL DESIST ALL ACTIONS AGAINST THE GOG; HOWEVER, IF HE IS PRODUCED DEAD, SHE WILL CONTINUE HER CAMPAIGN, WHILE YIELDING ON SOME POINTS. HARBURY REQUESTED RICHARDSON'S ASSISTANCE IN HELPING HER BYPASS A FOIA REQUEST AND OBTAIN STATE DEPARTMENT DOCUMENTS ON THE BAMACA CASE THAT SHE NEEDS TO PRESENT AS EVIDENCE IN HER UPCOMING COURT CASE AGAINST THE GOG. WHILE RICHARDSON WAS RECEPTIVE TO HARBURY'S ARGUMENTS, HE NOTED THAT HE VIEWS THE PEACE PROCESS AND THE BAMACA CASE AS TWO SEPARATE ISSUES, EMPHASIZING THE URGENCY OF GETTING THE PEACE PROCESS GOING AGAIN AND AN AGREEMENT SIGNED BEFORE THE NEW U.S. CONGRESS TAKES OFFICE IN JANUARY. END SUMMARY.

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SANCTIONS  
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4. HARBURY MET WITH RICHARDSON AT THE EMBASSY DURING

Guatemala  
Jennifer Harbury  
Cable Traffic  
Consular Section  
Registry # 327226

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HIS DECEMBER 2-4 VISIT TO GUATEMALA (SP-100). ALSO  
PRESENT WERE THE AMBASSADOR, ACS OFFICER CAROLY  
GORMAN AND RICHARDSON'S STAFFER MIGUEL MARQUEZ.  
AFTER HARBURY RECOUNTED THE DETAILS OF HER HUSBAND'S  
CASE, RICHARDSON ASKED HER WHAT LEVERS THE U.S. OR  
THE U.N. COULD EMPLOY TO FORCE THE GOG TO PRODUCE HER  
HUSBAND AND IMPROVE THE HUMAN RIGHTS SITUATION IN  
GENERAL. HARBURY REPLIED THAT GUATEMALAN HISTORY  
SHOWS THAT THE GOG ONLY RESPONDS TO MONETARY  
INCENTIVES. SHE THEREFORE ADVOCATES SANCTIONS,  
APPLIED IN 60-DAY STAGES. SUCH SANCTIONS SHOULD BE  
ATTACHED NOT ONLY TO HER HUSBAND'S CASE, BUT TO THE  
HUMAN RIGHTS SITUATION IN GENERAL. THE USG RESPONSE  
SHOULD ACCORDINGLY BEGIN WITH A 60-DAY WARNING  
PERIOD, DURING WHICH THE GOG MUST PRESENT BAMACA DEAD  
OR ALIVE AND HUMAN RIGHTS VIOLATIONS SHOULD DECREASE  
SIGNIFICANTLY AS CERTIFIED BY INTERNATIONAL  
OBSERVERS. IF THESE CONDITIONS ARE NOT MET, THEN SHE  
PROPOSES THAT THE USG CANCEL THE "FUERTES CAMINOS"  
NATIONAL RESERVE TRAINING PROGRAM. ASSUMING THAT  
HUMAN RIGHTS VIOLATIONS CONTINUE OVER THE NEXT 60-DAY  
PERIOD, HARBURY WOULD ADVOCATE ADDITIONAL CUT-OFFS OF  
EDUCATIONAL ASSISTANCE, THEN THE ICITAP PROGRAM,  
ETC., MOVING EVERY 60 DAYS TO EVER STRONGER  
SANCTIONS. THE BOTTOM-LINE MESSAGE SHOULD BE, "YOUR  
CHECK IS IN THE TOP DRAWER; LET US KNOW WHEN YOUR  
HUMAN RIGHTS SITUATION HAS IMPROVED AND WE WILL SEND  
IT."

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HARBURY ON THE URNG AND THE PEACE PROCESS  
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5. RICHARDSON ASKED HARBURY WHAT HER RELATIONSHIP  
WAS WITH THE URNG AND HOW SHE THOUGHT THE PEACE  
PROCESS COULD BE REINVIGORATED. HARBURY RESPONDED  
THAT WHILE SHE IS NOT A MEMBER OF THE URNG (JOKING  
THAT SHE IS "TOO OLD") SHE SYMPATHIZES WITH MOST  
ASPECTS OF ITS PLATFORM (INDIGENOUS RIGHTS, ETC.).  
RICHARDSON OBSERVED THAT SOME BELIEVED HER EFFORTS  
WERE DAMAGING THE PEACE PROCESS. HE ALSO SAID THAT  
IN HIS CONVERSATIONS IN MEXICO WITH URNG LEADERS  
RODRIGO ASTURIAS AND PABLO MONSANTO, HE HAD SENSED  
THAT THE TWO MEN LACKED THE NECESSARY "SENSE OF  
URGENCY" IN CONCLUDING A PEACE AGREEMENT.

6. HARBURY THEORIZED THAT THE PERCEIVED LACK OF  
URGENCY STEMMED PERHAPS FROM THE FACT THAT THE URNG  
AND LOWER CLASSES HAVE REALIZED THAT THE ARMY IS NOT  
NEGOTIATING IN GOOD FAITH, AS EVIDENCED BY THE  
SIGNIFICANT RISE IN HUMAN RIGHTS VIOLATIONS AFTER THE  
SIGNING OF THE HUMAN RIGHTS ACCORD LAST MARCH. SHE  
SAID THAT THE GOG'S REAL GOAL IS TO TAKE ADVANTAGE OF  
A CEASE-FIRE AGREEMENT TO RETURN TO THE OLD WAYS OF  
VIOLENCE AND TERROR, ELIMINATING THE OPPOSITION AS IT  
RETURNS FROM THE MOUNTAINS. IN ORDER TO GAIN THE  
FULL SUPPORT OF OPPOSITION GROUPS FOR THE PEACE  
AGREEMENT, THE GOG NEEDS TO DEMONSTRATE THAT IT IS  
NEGOTIATING IN GOOD FAITH. OTHERWISE, NO ONE WILL BE  
WILLING TO LAY DOWN THEIR ARMS. THE PEOPLE NEED TO  
BE CONFIDENT THAT IMPUNITY HAS BEEN BROKEN AND THE  
PAST WILL NOT BE REPEATED. THE SUCCESSFUL RESOLUTION  
OF CASES LIKE HERS AND HENRI FALGOUT DE CARPIO'S CAN.

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BREAK THAT CYCLE OF IMPUNITY AND GIVE THE LOWEST  
CLASSES AND REBEL G. JPS RENEWED FAITH IN THE PEACE  
PROCESS.

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HARBURY CHARGES GOG WITH HARRASSMENT  
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7. TURNING TO HER EFFORTS IN THE BAMACA CASE, RICHARDSON'S STAFFER ASKED HARBURY WHAT HER REACTION WOULD BE IF THE GOG PRODUCED HER HUSBAND DEAD RATHER THAN ALIVE. HARBURY ANSWERED WITH DIFFICULTY, SAYING SHE WOULD HAVE TO THINK ABOUT IT. AFTER ADDITIONAL CONSIDERATION, SHE SAID SHE WOULD YIELD SOMETHING IN RETURN BUT WOULD NOT COMPLETELY DESIST IN HER ACTIONS AGAINST THE GOG. SHE ALSO OBSERVED THAT THE HEAT WAS BEING TURNED UP AGAINST HER SUPPORTERS IN GUATEMALA. SHE SAID, "I HAVEN'T SEEN MY FRIENDS SO TERRIFIED IN YEARS."

8. JUST THAT DAY, SHE HAD BEEN TOLD BY LONG-TIME SUPPORTERS IN GUATEMALA CITY THAT SHE WAS NO LONGER WELCOME TO USE THEIR FAX MACHINE. THEY REPORTED THAT IN RECENT DAYS, UNFAMILIAR CARS AND "MEN IN DARK GLASSES" HAD BEEN OBSERVING THEIR MOVEMENTS AND THEY FEARED FOR THEIR LIVES. SHE ALSO REITERATED THAT THE ATTORNEY GENERAL'S LEGAL SUIT REQUIRING HER TO FILE CHARGES WITHIN 15 DAYS WAS JUST ANOTHER MANEUVER TO DIVERT ATTENTION FROM THE REAL ISSUE OF BAMACA'S WHEREABOUTS. RICHARDSON ASKED WHAT HE COULD DO TO HELP AND HARBURY REQUESTED THAT HE HELP HER OBTAIN STATE DEPARTMENT DOCUMENTS VERIFYING THAT BAMACA WAS CAPTURED ALIVE WITHOUT THE RED TAPE OF A FOIA REQUEST.

9. RICHARDSON CLOSED THE DISCUSSION BY POINTING OUT THAT THE NEW REPUBLICAN MAJORITY IN CONGRESS MIGHT VIEW INTERNATIONAL HUMAN RIGHTS ISSUES DIFFERENTLY THAN THE PRESENT CONGRESS. IN HIS VIEW, IT IS URGENT THAT A PEACE AGREEMENT BE SIGNED BEFORE THE END OF THE YEAR AND THE INAUGURATION OF THE NEW U.S. CONGRESS. HARBURY COUNTERED THAT THE PEACE PROCESS COULD ONLY GET MOVING IF FAITH WAS RESTORED, MAINTAINING THAT SUCCESS IN THE HIGHLY VISIBLE BAMACA CASE WOULD RESTORE THAT FAITH AND PUSH THE PEACE PROCESS FORWARD AGAIN. SHE WOULD PRESENT HER CASE TO THE NEW CONGRESS AS "NOT JUST A GUERRILLA CASE, BUT A CASE ABOUT A FAIR TRIAL." RICHARDSON REMINDED HARBURY THAT "YOU'RE NOT THE ONLY COMPONENT IN THE PEACE PROCESS" AND OPINED THAT SHE SHOULD NOT BE SO SANGUINE ABOUT HER ABILITY TO INFLUENCE THE INCOMING CONGRESS.

10. CONGRESSMAN RICHARDSON HAS NOT CLEARED THIS CABLE.

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TEXT OF TELEGRAM 94GUATEM010924

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CONFIDENTIAL

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ACTION H-06

INFO LOG-00 ARA-01 OAS-00 DS-00 TEDE-00 IO-16 ADS-00  
NSCE-00 OIC-02 SS-00 DSCC-00 DRL-09 /034W  
-----8FDD53 061951Z /38

O 061951Z DEC 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 7428  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/14/95  
Case ID: 951222D7

C O N F I D E N T I A L SECTION 01 OF 03 GUATEMALA 010924

NSC FOR LAKE, PUERTH, FEINBERG, HALPERIN  
DRL FOR A/S SHATTUCK; PLS PASS TO CONG RICHARDSON, HPSCI

E.O. 12356: DECL: OADR  
TAGS: PHUM, PINS, KSUM, MARR, PGOV, KSUM, ECON, GT  
SUBJECT: CONGRESSMAN RICHARDSON MEETING WITH PRESIDENT DE LEON

REF: GUAT 10826

1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: NEW MEXICO CONGRESSMAN BILL RICHARDSON AND  
AMBASSADOR CALLED ON PRESIDENT DE LEON CARPIO EVENING DEC 3.  
POLCOUNS AND RICHARDSON STAFFER MIGUEL MARQUEZ ALSO SAT IN. DE  
LEON STRESSED HE HAD ACHIEVED THREE KEY GOALS OF HIS GOVERNMENT  
CONFIDENTIAL

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TO BREAK WITH THE PAST: ARMY LOYALTY, SEA CHANGE AGAINST  
POLITICAL CORRUPTION, STABLE DEMOCRATIC GOVERNMENT INCLUDING  
FUNDING. NOW HE WAS MOVING TO THE MOST DIFFICULT: PEACE AND  
RESPECT FOR HUMAN RIGHTS. THESE WOULD LAY THE BASIS FOR THE  
NEXT DEMOCRATIC ADMINISTRATION TO ADDRESS THE COUNTRY'S  
GRINDING SOCIAL AND ECONOMIC PROBLEMS.

3. PERVERSELY, THE BAMACA CASE WAS WEAKENING HIS SUPPORT  
INTERNALLY AND INTERNATIONALLY TO ACHIEVE THIS GOAL. HE WAS  
SENDING AN S.O.S. TO THE USG -- WHAT SHOULD HE DO? HE HAD  
RAISED THE ISSUE WITH VICE PRESIDENT GORE IN MEXICO (AND,  
ACCORDING TO THE PRESS, WILL SEEK TO DISCUSS IT WITH PRESIDENT  
CLINTON AT THE MIAMI SUMMIT). RICHARDSON RESPONDED THAT DE  
LEON WAS SINCERE, BUT STRESSED THE PUBLIC AWARENESS OF THIS  
CASE IN THE U.S. AND ITS EFFECT IN CONGRESS, WHICH COULD IMPACT  
ON TRADE PROGRAMS FOR GUATEMALA. HE COULD NOT ADVISE DE LEON

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VDOS 000430

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TEXT OF TELEGRAM 94GUATEM010924

WHAT TO DO, BUT IT WAS OF KEY IMPORTANCE TO RESOLVE THE CASE. DE LEON MAY GO TO GENEVA TO DEFEND GUATEMALA'S HUMAN RIGHTS RECORD PERSONALLY BEFORE THE UNHRC. THE AMBASSADOR URGED DE LEON TO SEEK TO HAVE THE SUPREME COURT EXTEND THE DEC 7 DEADLINE FOR THE HUMAN RIGHTS OMBUDSMAN TO COMPLETE HIS INVESTIGATION.

END SUMMARY

## CONGRESSIONAL PRESSURES

4. RICHARDSON LED OFF BY COMPLIMENTING THE PRESIDENT ON HIS SUCCESS IN GETTING CONGRESS TO PASS AN UNPRECEDENTED ECONOMIC AND TAX PACKAGE NOV 30. DE LEON EXPRESSED SATISFACTION WITH  
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THE RESULT, NOTING IT MARKED A MAJOR BREAK WITH THE PAST. HE HAD STAYED UP ALMOST ALL NIGHT NEGOTIATING IT BEFORE LEAVING FOR MEXICO FOR THE ZEDILLO INAUGURATION. RICHARDSON NOTED THAT THE PEACE TALKS SEEM TO BE STALLING AND WILL FALL SHORT OF THE DECEMBER 31 GOAL. HE MENTIONED THAT GUATEMALA'S INCLUSION IN SEVERAL PROGRAMS TO BE CONSIDERED NEXT YEAR IN CONGRESS, E.G. GSP AND THE INTERIM TRADE PROGRAM, COULD BE THREATENED BY THE BAMACA CASE.

5. DE LEON RESPONDED BY DESCRIBING HIS DILEMMA: HE IS UNDER TREMENDOUS INTERNAL PRESSURE FOR TOLERATING JENNIFER HARBURY'S EFFORTS ON BEHALF OF A GUERRILLA COMMANDER. HE WAS BEING SUBJECTED TO MERCILESS ATTACK IN THE GUATEMALAN PRESS, WHICH HE CONTRASTED WITH MEXICO WHERE THE MEDIA IS VERY CIRCUMSPECT ABOUT REPORTING MATTERS WHICH WERE UNPLEASANT FOR THE GOVERNMENT.

## THE ARMY'S ROLE

6. HE LAID OUT THE PROBLEMS HE HAD PREVIOUSLY FACED: COMING INTO THE PRESIDENCY UNEXPECTEDLY WITHOUT A TEAM, WITHOUT A PLAN AND WITHOUT A POLITICAL BASE IN A POLITICAL PARTY. HE HAD REALIZED HE NEEDED TO CONFRONT POWERFUL GROUPS IN THE SOCIETY TO ACHIEVE A MEANINGFUL FUNCTIONING DEMOCRATIC SYSTEM AND INSTITUTIONAL STABILITY. TO DO THIS, HE HAD HAD TO MAKE WINNING THE SUPPORT OF THE ARMY HIS FIRST PRIORITY. THIS HE HAD ACHIEVED. HE HAD REPLACED THE MOD AND CHIEF OF STAFF WITHOUT QUESTION. THERE ARE NO LONGER COUP RUMORS. THE ARMY IS NOT CONSULTED ON POLITICAL, ECONOMIC AND SOCIAL ISSUES AND HAS NO SAY ON THEM. IT IS CONSULTED ON NATIONAL SECURITY MATTERS AND IS REPRESENTED ON THE PEACE COMMISSION WHICH IS

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FULLY APPROPRIATE. HIS CIVILIAN STAFF CONTROLS HIS SCHEDULE  
AND VISITORS, NOT HIS MILITARY CHIEF OF STAFF AS WITH PRIOR  
PRESIDENTS. HE IS MAKING CHANGES: HE HAS ABOLISHED  
CONFIDENTIAL FUNDS, HE IS CREATING A CIVILIAN INTELLIGENCE  
SERVICE, AND HE SPEAKS PUBLICLY ABOUT ARMY REDUCTIONS. DE LEON  
ACKNOWLEDGED HE HAD HAD TO TAKE A STEP BACKWARD IN MAKING AN  
ARMY OFFICER VICE MINISTER OF GOVERNMENT, BUT THAT HAD BEEN  
NECESSARY BECAUSE OF THE OUTCRY OVER BURGEONING CRIMINAL  
VIOLENCE.

## COMBATTING CORRUPTION -----

7. HIS NEXT STEP HAD BEEN TO PURIFY THE POLITICAL SYSTEM  
BECAUSE OF THE CORRUPTION IN BOTH CONGRESS AND THE SUPREME  
COURT. HE HAD BROUGHT THEM DOWN TO RESTORE CREDIBILITY TO  
DEMOCRATIC GOVERNMENT, AND HAD DONE SO PEACEFULLY AND LEGALLY  
WITH SATISFACTORY RESULTS. MOREOVER, THERE HAD BEEN  
CONSTITUTIONAL CHANGES TO CREATE ACCOUNTABILITY AND  
TRANSPARENCY IN GOVERNMENT. THESE WERE KEY FOR GUATEMALA'S

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UDDS 000432

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TEXT OF TELEGRAM 94GUATEM010924

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PAGE 01 GUATEM 10924 02 OF 03 061951Z  
ACTION H-06

INFO LOG-00 ARA-01 OASY-00 DS-00 TEDE-00 IO-16 ADS-00  
NSCE-00 OIC-02 SS-00 DSCC-00 DRL-09 /034W  
-----8FDD5B 061951Z /38

O 061951Z DEC 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 7429  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 02 OF 03 GUATEMALA 010924

NSC FOR LAKE, FUERTH, FEINBERG, HALPERIN  
DRL FOR A/S SHATTUCK; PLS PASS TO CONG RICHARDSON, HPSCI

E.O. 12356: DECL: OADR  
TAGS: PHUM, PINS, KSUM, HARR, PGOV, KSUM, ECON, GT  
SUBJECT: CONGRESSMAN RICHARDSON MEETING WITH PRESIDENT DE LEON

FUTURE.

B1

HUMAN RIGHTS

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8. DE LEON SAID HUMAN RIGHTS PROBLEMS WERE CONTINUING, BUT THEY WERE INDIVIDUAL CASES AND NOT ON A SCALE WHICH JUSTIFIES CONDEMNING A GOVERNMENT OR A COUNTRY. THE RECENT KILLING OF A UNIVERSITY STUDENT AND THE MURDER OF HIS OWN COUSIN (FORMER UCN PARTY LEADER AND PRESIDENTIAL RUNNER UP) JORGE CARPIO LAST YEAR WERE BOTH BEING INVESTIGATED. THE "LA EXACTA" INCIDENT WAS IRRATIONAL WITH MAJOR MISTAKES -- HE WAS AWAITING THE FINAL REPORT TO DECIDE ON ADMINISTRATIVE PUNISHMENTS AND TO TURN THE CASE OVER TO THE COURTS, AS HE WOULD WITH THE UNIVERSITY CASE.

WAR AND PEACE

9. HE STRESSED THAT THE PRIMARY FOCUS OF HUMAN RIGHTS VIOLATIONS IS THE WAR, AND CAUSED BY BOTH SIDES. THEY WILL

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TEXT OF TELEGRAM 94GUATEM010924

SUBSIDE WHEN THE WAR ENDS. HE ACKNOWLEDGED THAT ONLY SLOW HUMAN RIGHTS PROGRESS IS BEING MADE NOW. IT IS NORMAL TO HAVE PROBLEMS AND PRESSURES IN THE END PHASE OF THE PEACE PROCESS. THERE WERE ONLY THREE MONTHS IN 1995 TO COME TO CLOSURE, AFTER THAT THE PRESIDENTIAL CAMPAIGN WOULD INTERVENE. MANY PEOPLE WERE PARTICIPATING IN THE POLITICAL SYSTEM NOW FOR THE FIRST TIME AND THIS WOULD ACCELERATE WITH PEACE. SOME GROUPS WERE AFRAID OF THIS PEACEFUL REVOLUTION WHICH WILL HAVE MAJOR EFFECTS BECAUSE OF THE CURRENT EXTREME INJUSTICE IN THE SOCIETY.

PEACE  
SHOULD BRING SUBSTANTIAL INTERNATIONAL SUPPORT, BUT ONLY IF GUATEMALA IS PREPARED TO DO ITS SHARE; THIS HAS NOW BEEN MADE POSSIBLE. HE HAD BEEN OFFERED FUNDING BY THE PRIVATE SECTOR LIMITED TO 1995 BUT HAD REJECTED IT SO HIS SUCCESSOR WOULD NOT

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PAGE 03 GUATEM 10924 02 OF 03 061951Z  
HAVE TO FACE THE SAME LEGISLATIVE STRUGGLE FOR ADEQUATE FUNDING.

BAMACA  
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10. DE LEON SAID HE WAS PREPARED TO MAKE ANY SACRIFICE TO ACHIEVE PEACE. AGREEMENT ON THE INDIGENOUS ISSUE PRESENTED NO PROBLEMS FOR THE GOG, PROVIDED CONSTITUTIONAL CHANGES WERE NOT INVOLVED. HE SAID HE UNDERSTOOD URNG RETICENCE -- ITS LEADERS WERE TOTALLY UNKNOWN HERE AND WOULD BE UNABLE TO COMPETE DEMOCRATICALLY. THERE HAD BEEN SIX SOLID AGREEMENTS SO FAR, INCLUDING ON MANY SUBSTANTIVE ISSUES. THE BAMACA ISSUE WAS NOW CAUSING SERIOUS PROBLEMS FOR THE PEACE PROCESS, BOTH INTERNALLY AND INTERNATIONALLY. HE SAID IT WAS VERY UNFAIR -- THE INCIDENT HAD OCCURRED BEFORE HIS ADMINISTRATION. HE HAD BEEN FAMILIAR WITH IT AS HUMAN RIGHTS OMBUDSMAN. BAMACA HAD BEEN A GUERRILLA FOR 17 YEARS, KILLING AND DESTROYING. HE IS NOT A PRISONER; THERE ARE NO CLANDESTINE PRISONS; MILITARY INSTALLATIONS HAVE BEEN OPENED TO MINUGUA. IN SHORT, HE HAD NOTHING TO HIDE. HE ASKED RICHARDSON WHAT HE COULD DO, FACED WITH CONFLICTING INTERNAL AND INTERNATIONAL PRESSURE. THE MATTER WAS NOW IN COURT IN GUATEMALA TO PRESS HARBURY TO SUBSTANTIATE HER CHARGES OR DROP THEM, AND THE GOG WOULD ALSO BE REFERRING IT TO THE INTER AMERICAN COURT FOR HUMAN RIGHTS IN COSTA RICA. HE HAD RELATED HIS PLIGHT TO VICE PRESIDENT GORE IN MEXICO (AND, ACCORDING TO THE PRESS HERE, WILL SEEK TO SPEAK TO PRESIDENT CLINTON ABOUT IT AT THE SUMMIT OF THE AMERICAS).

11. RICHARDSON RESPONDED THAT HE SHOULD DO EVERYTHING POSSIBLE TO FACILITATE THE INVESTIGATION OF BAMACA'S FATE HERE AND TO PERMIT HARBURY TO SEEK RECOURSE IN THE COURTS. IT WOULD BE

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# UNCLASSIFIED

TEXT OF TELEGRAM 94GUATEM010924

PAGE 04      GUATEM 10924 02 OF 03 061951Z  
IMPORTANT NOT TO CREATE VISA PROBLEMS OR OBSTACLES TO HER  
PURSUING HER CASE. DE LEON RESPONDED WITH SOME RESIGNATION  
THAT BAMACA IS DEAD, HIS REMAINS CANNOT BE PRODUCED, AND THERE  
IS NO EVIDENCE OF HIS FATE. DE LEON SAID ALL HE COULD DO IS  
ATTEST THAT BAMACA DIED BEFORE HE TOOK OFFICE. IN RESPONSE TO  
RICHARDSON'S QUESTION, HE SAID THAT THE GOG WOULD ASK THE  
INTERAMERICAN COMMISSION ON HUMAN RIGHTS OF THE OAS TO GIVE ITS  
JUDGMENT IN THE CASE. IN RESPONSE TO RICHARDSON'S QUERY  
WHETHER SOME MILITARY KNOW WHAT HAPPENED BUT WON'T SAY, DE LEON  
SAID THERE ARE MANY STORIES, ALSO WHETHER HARBURY WAS REALLY  
MARRIED TO BAMACA. IF HE WAS CAPTURED, THERE WOULD BE  
WITNESSES. ONE CAN ONLY AWAIT THE RESULTS OF THE  
INVESTIGATION. ON THIS POINT, THE AMBASSADOR URGED THAT THE  
OMBUDSMAN'S REQUEST THAT THE DEC 7 DEADLINE TO COMPLETE HIS  
INVESTIGATION BE EXTENDED. DE LEON NOTED THIS WAS THE  
PREROGATIVE OF THE SUPREME COURT, BUT HE WOULD SEE WHAT HE  
MIGHT DO INFORMALLY TO HELP. IN RESPONSE TO RICHARDSON'S  
ADMISSION HE HAD NO SOLUTION TO OFFER, BUT THE CASE MUST BE  
RESOLVED, DE LEON SAID HE WAS ALMOST IN DESPAIR -- THERE WAS  
MAJOR DISCONTENT INTERNALLY THAT HE WAS TOLERATING THIS "SHOW"

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PAGE NO. 6

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TEXT OF TELEGRAM 94GUATEM010924

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CONFIDENTIAL

PAGE 01 GUATEM 10924 03 OF 03 061952Z  
ACTION H-06

INFO LOG-00 ARA-01 OASY-00 DS-00 TEDE-00 IO-16 ADS-00  
NSCE-00 OIC-02 SS-00 DSCC-00 DRL-09 /034W  
-----8FDD5E 061952Z /38

O 061951Z DEC 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 7430  
INFO AMEMBASSY MEXICO  
USMISSION GENEVA  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 03 OF 03 GUATEMALA 010924

NSC FOR LAKE, FUERTH, FEINBERG, HALPERIN  
DRL FOR A/S SHATTUCK; PLS PASS TO CONG RICHARDSON, HPSCI

E.O. 12356: DECL: OADR  
TAGS: PHUM, PINS, KSUM, MARR, PGOV, KSUM, ECOM, GT  
SUBJECT: CONGRESSMAN RICHARDSON MEETING WITH PRESIDENT DE LEON

ABOUT AN OUTLAW GUERRILLA LEADER. HE ASKED RHETORICALLY HOW  
THIS CASE COULD BE SO IMPORTANT AS TO ENDANGER THE PEACE PROCESS.

BACK TO PEACE  
-----

12. DE LEON ACKNOWLEDGED THAT HE HAD ASKED MEXICAN PRESIDENT  
ZEDILLO TO HELP PRESSURE THE URNG TOWARD AN ACCORD IN THE THREE  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GUATEM 10924 03 OF 03 061952Z  
MONTH WINDOW REMAINING (REF). HE SAID THE FEBRUARY 28 DATE FOR  
MINUGUA'S DEPARTURE WAS IMPORTANT. HE SAID HE WOULD DO  
EVERYTHING POSSIBLE TO REACH AGREEMENT, AND THE ARMY WOULD  
SUPPORT HIM. HE INSISTED IT WAS IMPORTANT TO PRESSURE BOTH  
SIDES. IF IT IS NOT POSSIBLE TO REACH AGREEMENT WITH THE  
FORMER HUMAN RIGHTS OMBUDSMAN AS PRESIDENT AND THE PRESENT  
PROGRESSIVE ARMY LEADERSHIP. HE DIDN'T KNOW WHAT THE FUTURE  
WOULD HOLD.

HUMAN RIGHTS AGAIN  
-----

13. RICHARDSON MENTIONED THAT COL. MERIDA HAD NOT SHOWN UP IN  
HIS MEETING WITH THE GOVERNMENT MINISTER, OBSERVING THAT HE HAS  
A VERY NEGATIVE IMAGE IN THE US AND IN EUROPE AMONG THOSE WHO

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TEXT OF TELEGRAM 94GUATEM010924

FOLLOW GUATEMALA. HE THEN ASKED HOW HE COULD BE HELPFUL IN THE NEXT SIX MONTHS, NOTING THAT HIS OFFICE IS ALREADY GETTING CALLS ASKING WHY, IN VIEW OF ITS HUMAN RIGHTS RECORD, GUATEMALA WILL BE ATTENDING THE MIAMI SUMMIT. HE TOLD THE PRESIDENT: "YOU ARE SINCERE." HOWEVER, THROUGH CEREZO AND SERRANO TO THE PRESENT, THE PROBLEMS CONTINUE. DE LEON EXPRESSED DOUBT WHETHER HUMAN RIGHTS VIOLATIONS WERE REALLY WORSE; WHEN HE WAS HUMAN RIGHTS OMBUDSMAN AND VIOLATIONS WERE CHECKED OUT, ONLY A SMALL PROPORTION TURNED OUT TO BE RELATED TO HUMAN RIGHTS. THE OMBUDSMAN'S OFFICE NO LONGER PROVIDES RELIABLE STATISTICS, AND THE ARCHBISHOP'S OFFICE REPORTS ALL COMPLAINTS AS VIOLATIONS

B1

TO GENEVA?

CONFIDENTIAL

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PAGE 03 GUATEM 10924 03 OF 03 061952Z

14. DE LEON SAID HE WOULD DO EVERYTHING POSSIBLE TO ACHIEVE PEACE, INCLUDING PERHAPS GOING PERSONALLY TO GENEVA (A REFERENCE TO THE UNHRC MEETING NEXT YEAR). HE SAID IT WOULD BE A TRAVESTY IF GUATEMALA WERE CONDEMNED THERE, AND APPEALED FOR US SUPPORT THERE NOW MORE THAN EVER. HE ASKED FOR THE SUPPORT OF THE FRIENDS GENERALLY TO PRESSURE THE URNG ON THE PEACE PROCESS IN ORDER TO END THE WAR AND ACHIEVE GENUINE RECONCILIATION. HE CLOSED BY SAYING HE HAD SENT THE US AN S.O.S. ON BAMACA AND NEEDED HELP.

15. COMMENT: DE LEON IS UNDER SERIOUS PRESSURE HERE TO EXCISE THE BAMACA PROBLEM AND IS TRYING TO SQUARE THE CIRCLE SOMEHOW. HE WILL BE LOOKING FOR US HELP AT THE SUMMIT OF THE AMERICAS, WHERE HE HAS ELECTED HUMAN RIGHTS AS HIS TOPIC IN THE WORKING SESSION. MEANWHILE WE WILL CONTINUE PRESSING THE GOG HERE FOR A SUPREME COURT EXTENSION OF THE OMBUDSMAN'S DEADLINE TO REPORT ON THE RESULTS OF HIS INVESTIGATION.

16. CONGRESSMAN RICHARDSON HAS NOT SEEN THE TEXT OF THIS CABLE.

MCAFEZ

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PAGE NO. 8

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RELEASED

ES006

United States Department of State

Washington, D.C. 20520

12/7/94

Dear Senator Gorton:

Thank you for your letter of November 15 in which you convey the interest of your constituent in the welfare of her cousin, Jennifer Harbury, and Ms. Harbury's Guatemalan national husband, Efraim Bamaca Velasquez.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her often during her recent hunger strike. Our goal throughout has been to obtain a full accounting of what happened to Mr. Bamaca.

In early November the Guatemalan Supreme Court ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in a month.

Ms. Harbury ended her hunger strike November 11 and returned to the U.S., meeting with National Security Adviser Anthony Lake November 21. She returned to Guatemala in late November to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992. On November 29 the Guatemalan Government initiated legal action whose purpose is to require Ms. Harbury to file these charges within fifteen days or lose the right to do so subsequently.

The Honorable  
Slade Gorton,  
United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority MOSKOWITZ, SAM  
Date: 09/14/96  
Case ID: 95122257

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Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be as helpful as we possibly can to Jennifer Harbury.

We hope that this information is helpful in responding to your constituent. Please contact us if we can be of further assistance.

Sincerely,

Wendy M. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure: Correspondence returned.

UNCLASSIFIED

U D O S 000466

UNCLASSIFIED

1  
drafted: ARA/CEN: JConnerley: joc  
SEARALG 21137 7DEC94 x73330

cleared: ARA/CEN: JHamilton  
: ARA/CEN: PWillingham  
: ARA/P: LMcClenny  
: H/ARA: NVeloz  
: DRL/AAA: MCurtin

9401-1104  
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UNCLASSIFIED

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December 7, 1994

UNCLASSIFIED

ES015  
RELEASED

HARBURY GUIDANCE FOR CALL TO "60 MINUTES"

BASIC GUIDANCE:

- BASED ON ALL THE INFORMATION AVAILABLE TO US FROM A VARIETY OF SOURCES, WE HAVE CONCLUDED THAT EFRAIN BAMACA, ALSO KNOWN AS COMANDANTE EVERARDO, WAS TAKEN CAPTIVE BY THE GUATEMALAN ARMY IN MARCH, 1992.

- WE DO NOT KNOW WHETHER OR NOT HE IS ALIVE.

- WE HAVE NO INFORMATION TO INDICATE THAT HE WAS ALIVE MUCH BEYOND THE FIRST FEW WEEKS AFTER HIS CAPTURE.

- IN THE ABSENCE OF SOLID EVIDENCE, ONE WAY OR THE OTHER, WE HAVE ASSUMED THROUGHOUT THAT HE COULD STILL BE ALIVE, AND WE HAVE ACTED ACCORDINGLY.

QUESTIONS ABOUT WHAT WE KNEW AND WHEN WE KNEW IT:

- I'M SORRY, BUT I CAN'T RESPOND TO QUESTIONS CONCERNING INTELLIGENCE MATTERS.

QUESTIONS ABOUT OUR ASSISTANCE TO HARBURY:

- WE HAVE BEEN AS FORTHCOMING WITH MS. HARBURY AS POSSIBLE, AND HAVE GONE TO EXTRAORDINARY LENGTHS TO GIVE HER ASSISTANCE.

USED 12/7/94

W/ Louise Bergman  
"60 minutes"

(510) 528-9553

PRESS STATEMENT  
1994

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 09/14/96  
Case ID: 95122237

GUATEMALA  
ARA 3

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Pg 0122-0080

United States Department of State

Washington, D.C. 20520

E4550

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11/7/94

RELEASED

Dear Senator Robb:

Thank you for your letter of October 24 concerning the welfare of Guatemalan citizen Efrain Bamaca Velasquez and his American citizen wife, Ms. Jennifer Harbury.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

Due to the strong interest in the case, the Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in 30 days.

Ms. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992.

Based on all the information available to us, we believe that Efrain Bamaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.

The Honorable  
Charles S. Robb,  
United States Senate.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C3

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- 2 -

We hope that this information has been of help to you.  
Please contact us if we can be of further assistance.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure: correspondence returned.

UNCLASSIFIED

UNCLASSIFIED

drafted:ARA/CEN:PWillingham:ja  
SEARAELG 20976 7NOV94 x73559

cleared:ARA/CEN:JHamilton  
:ARA/CEN:HSimon  
:ARA/P:LMcClenny  
:H/ARA:MVeloz  
:DRL/AAA:MCurtin

UNCLASSIFIED

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RELEASED IN PART  
B6MEMORANDUM

FECHA: 7 de noviembre de 1994  
PARA: Ministerio Público  
DE: Charles Keil, Cónsul General  
ASUNTO: LLAMADA TELEFONICA, CASO DE EFRAIN BAMACA

Esta mañana a las 9:45, recibimos en este Consulado una llamada telefónica referente al caso de Efraín Bamaca.

Un hombre que se identificó con el nombre de [redacted] llamó desde Jutiapa con la siguiente información: B6

Indicó ser vecino de Margarito Santos y sus dos hijos, Abigail Santos y Santos y Aridai Santos y Santos, personas que según el tienen cautivo a Efraín Bamaca. A su vez manifestó que a dichas personas se les puede localizar en la Aldea Suchitán, Municipio de Santa Catarina Mita, Jutiapa, cerca del templo evangélico, en una choza en la montaña y que a estas personas se les conoce por su mala reputación.

Así mismo, [redacted] aseguró haber visto a Bamaca y que en el pueblo se sabe que es víctima de torturas y maltrato. Indicó también que cada vez que hay algún artículo en relación a su caso, sus supuestos cautores le llevan el periódico a Bamaca para que esté al tanto. B6

[redacted] el ejército de Guatemala les paga a estas personas para que Bamaca pueda permanecer en su casa e indicó que es urgente que sea rescatado. B6

327225  
EMBASSY GUATEMALA  
CONSULAR SECTION

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C3

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U D O S 000618

IMMEDIATE

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OUTGOING

DEPARTMENT OF STATE  
ARA/NEA REARCS

RELEASED

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PAGE 01 OF 02 STATE 308934 072339Z  
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ARISTIDE MEETS AGAIN WITH POLITICAL PARTIES: PRESIDENTINFO: ARA (U1) PPC (U1) OAS (U1) RJ (U1) PDAS (U1) SCO (U2)  
DRRO (U2) NAFM (U2) JHBF (U1) DCAR (U1) DEP (U1) CU (U2)  
PCX (U2) BL (U2) DAMD (U2) EC (U2) CO (U2) VE (U2) DCEN (U3)  
BEC (U1) PH (U3) ES (U1) BN (U1) PE (U2) NSCY (U1) BOTO (U1)  
CT (U1) CS (U1) NO (U1) NO (U2) AR (U1) CI (U1) UYPA (U1)  
BSC (U1) BSC (U1) BSC (U1)

ORIGIN ARA-00 02/10/92 AJ LM (TOTAL COPIES: 053)

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 A-00 CG-00  
CIAE-00 DEAE-00 OASY-00 BODE-00 BOTE-00 EUR-00 H-01  
TEDE-00 INR-00 INSE-00 IO-16 JUSE-00 L-00 ADS-00  
WFP-00 WSAE-00 WSCC-00 OES-09 OIC-02 OIG-04 OIS-01  
PA-02 PER-00 PH-00 PPS-01 SP-00 SR-00 SSO-00  
SS-00 PYB-00 SSAN-00 DRL-00 /0630DRAFTED BY: ARA/P: LSHAMILTON  
APPROVED BY: ARA/P: NLMCCLENNY  
PA: MMCCURRY (SUBS)  
DESIRED DISTRIBUTION:  
R - MELOZ, DRL/BA - PLLANEY, NSC - BOVENSO P 0723412 NOV 94  
FM SECSTATE WASHDC 0723422 /30TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS IMMEDIATE  
AMEMBASSY BRUSSELS PRIORITY  
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USMISSION GENEVA PRIORITY  
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AMEMBASSY LONDON PRIORITY  
AMEMBASSY MADRID PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY PORT AU PRINCE PRIORITY  
AMCONSUL RIO DE JANEIRO PRIORITY  
AMEMBASSY THE HAGUE PRIORITY  
INFO AMEMBASSY OTTAWA PRIORITYUSCINCSO QUARRY HTS PH PRIORITY  
24TH WING HOWARD AFB PA PRIORITY  
USCINCLANT NORFOLK VA PRIORITY  
NAUSTA PANAMA CANAL ROOMAN PH/PAO PRIORITY  
COR 193RD INF BDE (PAM) FT CLAYTON PH AFZU-PO PRIORITY  
USTRANS INTEL CEN SCOTT AFB IL//INOM// PRIORITY  
AMCONSUL SAO PAULO PRIORITY  
USIA WASHDC PRIORITY 0000  
USMISSION USUN NEW YORK PRIORITY  
AMCONSUL CIUDAD JUAREZ  
AMCONSUL MEXICO  
AMCONSUL MATAMOROS  
AMCONSUL MERIDA  
AMCONSUL NUEVO LAREDO  
AMCONSUL TIJUANA  
XMT AMEMBASSY NASSAU  
AMEMBASSY PORT OF SPAIN

UNCLAS STATE 308934

ALL POSTS PLEASE PASS PAO: ROME ALSO FOR VATICAN

E.O. 12356: N/A  
TAGS: OPRC

SUBJECT: ARA GUIDANCES, NOVEMBER 4 AND 7, 1994

1. ARA GUIDANCES, 11/4/94:

-NEWS FROM HAITI-  
NOVEMBER 4, 1994ARISTIDE MET WITH REPRESENTATIVES OF POLITICAL PARTIES  
YESTERDAY TO DETERMINE THE COMPOSITION OF THE PROVISIONAL  
ELECTORAL COUNCIL. THE COUNCIL, WHEN FORMED, WILL  
ARRANGE THE FIRST VALID PARLIAMENTARY ELECTIONS SINCE THE  
1991 COUP AGAINST DEMOCRACY. ITS FORMATION IS THEREFORE  
CRUCIAL TO HOLDING EARLY AND FAIR ELECTIONS.PRESENCE OF HUMAN RIGHTS MONITORS GROWS: THE  
ORGANIZATION OF AMERICAN STATES HIRED ANOTHER 15 HUMAN  
RIGHTS MONITORS, WHO ARE SCHEDULED TO ARRIVE IN HAITI ON  
NOVEMBER 7. THIS WILL BRING THE INTERNATIONAL CIVILIAN  
MISSION PRESENCE UP TO 32.PROMOTING EDUCATION: UNESCO'S DIRECTOR GENERAL MAYOR  
PLANS TO ACCEPT PRESIDENT ARISTIDE'S INVITATION TO VISIT  
HAITI SOON, FOR A PUBLIC SIGNING OF AN EDUCATIONAL  
AGREEMENT. UNESCO HAS BEEN WORKING WITH UNICEF, THE  
CANADIAN INTERNATIONAL DEVELOPMENT AGENCY, AND USAID TO  
PROMOTE A NATIONAL EDUCATION PLAN.REVITALIZING THE HAITIAN ECONOMY: USAID MET WITH  
"HAITIAN-AMERICANS FOR ECONOMIC DEVELOPMENT," A NEWLY  
FORMED GROUP WHOSE MISSION IS IDENTIFYING MEANS TO  
SUPPORT SMALL- AND MEDIUM-SIZED HAITIAN-AMERICAN FIRMS IN  
THE REVITALIZATION OF THE HAITIAN ECONOMY. DISCUSSION  
CENTERED ON WAYS USAID AND OTHER USC AGENCIES CAN  
ENCOURAGE AND BUILD UPON THE KNOWLEDGE, EXPERTISE, AND  
COMMITMENT OF A WIDE RANGE OF FOR-PROFIT AND NONPROFIT  
ORGANIZATIONS.

BANKING ASSISTANCE: A U.S. BANK EXAMINER TEAM LEAVES

TODAY OR TOMORROW FOR HAITI, WHERE IT WILL PROVIDE  
ASSISTANCE TO HAITI'S CENTRAL BANK.MILITARY ADVISORS ASSESS ASSISTANCE FOR HAITIAN JUDICIARY  
AND INFORMATION MINISTRY: FOURTEEN MEMBERS OF A U.S.  
ARMY CIVIL AFFAIRS ADVISORY TEAM ARE NOW IN HAITI. TWO  
MEMBERS BEGIN AN ASSESSMENT OF JUDICIAL SECTOR NEEDS  
TODAY. OTHERS ARE DISCUSSING WITH HAITIAN OFFICIALS  
ASSISTANCE TO THE MINISTRY OF INFORMATION AND TO THE  
PORT-AU-PRINCE MAYOR'S OFFICE.

-HAITI AND CUBA: STATUS OF VOLUNTARY REPATRIATIONS-

Q: WHAT IS HAPPENING WITH THE TEMPORARY RESTRAINING ORDER  
ON CUBANS AND HAITIANS AT GUANTANAMO? WHAT DOES THIS  
MEAN FOR REPATRIATIONS? WILL WE RESTART THEM?A: THE U.S. COURT OF APPEALS IN ATLANTA YESTERDAY  
SUSPENDED THE TEMPORARY RESTRAINING ORDER ON VOLUNTARY  
REPATRIATION OF CUBANS FROM GUANTANAMO.THE APPEALS COURT HAS SCHEDULED A HEARING FOR 1:30 THIS  
AFTERNOON, AND I WOULD REFER YOU TO THE JUSTICE  
DEPARTMENT TO PROVIDE A READOUT OF THE HEARING.Q: ARE ANY CUBANS BEING VOLUNTARILY REPATRIATED IN LIGHT  
OF YESTERDAY'S APPEALS COURT ACTION?A: WE ARE IN CONTACT WITH THE CUBAN GOVERNMENT REGARDING  
THE VOLUNTARY RETURN OF CUBANS WHO HAVE INDICATED A  
DESIRE TO RETURN HOME.Q: WHAT IS THE STATUS OF THE 40 HAITIANS WHO WERE  
SCHEDULED TO VOLUNTARILY RETURN TO HAITI TODAY?United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C3

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DEPARTMENT OF STATE  
ARA/NEA REARCS

PAGE 02 OF 03 STATE 380934 072339Z

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A: A GROUP OF 23 HAITIANS WITH MEDICAL PROBLEMS WHO HAD ASKED TO RETURN VOLUNTARILY TO HAITI LEFT GUANTANAMO ON THURSDAY AFTERNOON NOVEMBER 31. THEY ARE SCHEDULED TO ARRIVE IN PORT-AU-PRINCE THIS MORNING ABOUT 11:00 A.M. ON THE COAST GUARD CUTTER MONARK.

THE RETURN OF THIS GROUP HAD BEEN AUTHORIZED BY JUDGE ATKINS ON OCTOBER 31.

## 2. ARA TAKEN QUESTION NOVEMBER 4, 1994:

-CHILE: SECRETARY CHRISTOPHER'S MEETING WITH CHILEAN FOREIGN MINISTER INSULZA-

Q: HOW WOULD YOU CHARACTERIZE THE SECRETARY'S MEETING WITH FOREIGN MINISTER INSULZA TODAY?

A: THE SECRETARY WAS DELIGHTED TO MEET WITH FOREIGN MINISTER INSULZA AS PART OF OUR CONTINUING DIALOGUE UNDER THE CONSULTATIVE FRAMEWORK AGREED TO BY PRESIDENTS CLINTON AND FREI AT THE WHITE HOUSE ON JUNE 28.

SECRETARY CHRISTOPHER WELCOMED THIS CHANCE TO INTENSIFY OUR EXCHANGE WITH THE CHILEAN GOVERNMENT ON A BROAD RANGE OF ISSUES, AND REITERATED THE UNITED STATES COMMITMENT TO NEGOTIATING A FREE TRADE AGREEMENT WITH CHILE.

THE DEPARTMENT OF STATE IS PLEASED THAT FOREIGN MINISTER INSULZA WAS ABLE TO MEET WITH A NUMBER OF CABINET MEMBERS.

NEXT WEEK IN INDONESIA APEC WILL WELCOME CHILE AS A NEW MEMBER AND NEXT MONTH WE WILL WELCOME CHILE TO THE SUMMIT OF THE AMERICAS IN MIAMI.

WE LOOK FORWARD TO WORKING WITH CHILE IN BOTH SETTINGS TO PROMOTE MARKET-BASED ECONOMIC POLICIES AND EFFECTIVE DEMOCRATIC INSTITUTIONS.

## 3. ARA GUIDANCES OF MONDAY, NOVEMBER 7, 1994:

-GUATEMALA: HARBURY/BAMACA CASE-

Q: DO YOU HAVE ANY COMMENTS ON THE "60 MINUTES" STORY ON THE HUNGER STRIKE OF AMERICAN CITIZEN JENNIFER HARBURY IN GUATEMALA AND THE INVESTIGATION INTO HER HUSBAND'S DISAPPEARANCE?

A: WE HAVE PROVIDED AND CONTINUE TO PROVIDE JENNIFER HARBURY WITH EXTENSIVE ASSISTANCE IN HER SEARCH FOR INFORMATION ABOUT HER HUSBAND, GUATEMALAN GUERRILLA LEADER EFRAIN BAMACA, SINCE SHE REQUESTED OUR HELP IN MARCH 1993.

IN ADDITION TO RAISING THE BAMACA CASE WITH THE GUATEMALAN GOVERNMENT AS SOON AS WE KNEW OF IT, OUR EMBASSY IN GUATEMALA CITY HAS REPEATEDLY ENCOURAGED GUATEMALAN OFFICIALS TO MEET AND COOPERATE WITH MS. HARBURY.

WE FACILITATED THE EXHUMATION OF A GRAVE IN AUGUST 1993, TO DETERMINE IF IT CONTAINED HER HUSBAND'S REMAINS, AND AN EMBASSY OFFICER ACCOMPANIED MS. HARBURY AS A WITNESS TO THE EXHUMATION. THOSE REMAINS WERE IDENTIFIED AS NOT BELONGING TO HER HUSBAND.

SENIOR OFFICIALS OF THE STATE DEPARTMENT -- THE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR, A DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN

AFFAIRS, AND THE U.S. AMBASSADOR TO THE UN HUMAN RIGHTS COMMISSION -- HAVE EACH MET ONE OR MORE TIMES WITH MS. HARBURY. ADDITIONALLY, AMBASSADOR MCAFEE HAS MET SOME TEN OR MORE TIMES WITH MS. HARBURY.

WE HAVE REPEATEDLY RAISED OUR CONCERNS ABOUT THIS CASE DIRECTLY WITH SENIOR GUATEMALAN OFFICIALS INCLUDING, AMONG OTHERS, THE PRESIDENT, THE MINISTER OF DEFENSE, THE MINISTER OF FOREIGN AFFAIRS, THE ATTORNEY GENERAL, AND THE GUATEMALAN AMBASSADOR HERE IN WASHINGTON.

SINCE MS. HARBURY BEGAN HER HUNGER STRIKE ON OCTOBER 11, AMBASSADOR MCAFEE HAS MET WITH HER PERSONALLY ON AT LEAST SEVEN OCCASIONS. EMBASSY OFFICERS VISIT MS. HARBURY DAILY, AND WE HAVE MADE CLEAR TO THE GUATEMALAN GOVERNMENT THAT THE UNITED STATES EXPECTS THAT GOVERNMENT TO ENSURE HER PHYSICAL SECURITY.

WE WELCOME PRESIDENT DE LEON'S OCTOBER 27 ANNOUNCEMENT OF A SPECIAL INVESTIGATION OF THE BAMACA CASE, HIS NAMING OF A COORDINATOR TO HEAD THE INVESTIGATION, THE ISSUANCE OF

A NEW WRIT OF HABEAS CORPUS, AND THE JUDICIAL PROCEEDINGS TO LOCATE BAMACA NOW UNDERWAY. WE HOPE THAT THESE MEASURES WILL LEAD TO THE RESOLUTION OF THIS CASE.

-GUATEMALA: U.S. ASSISTANCE-

Q: HOW MUCH AID DO WE GIVE GUATEMALA?

A: OUR RELATIVELY SMALL ASSISTANCE PROGRAM IN GUATEMALA (APPROXIMATELY \$8 MILLION) FOCUSES ON BASIC HUMAN NEEDS AND SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM. IT PROVIDES VITALLY NEEDED AID THAT PROMOTES HEALTH AND CHILD SURVIVAL, JUDICIAL REFORM, MEASURES TO PROTECT THE ENVIRONMENT AND TO ENCOURAGE BROAD-BASED SUSTAINABLE DEVELOPMENT.

MUCH OF OUR AID TO GUATEMALA IS DELIVERED THROUGH NON-GOVERNMENTAL ORGANIZATIONS (NGOS) TO ENSURE THAT IT GOES DIRECTLY TO THE MOST NEEDY.

MILITARY AID TO GUATEMALA WAS HALTED IN 1990 BECAUSE OF CONCERN OVER PERSISTENT HUMAN RIGHTS ABUSES.

IN 1994, WE CONVERTED THE 4.6 MILLION OF FROZEN MILITARY AID TO CIVILIAN ECONOMIC SUPPORT FUNDS AND EARMARKED IT FOR FUTURE SUPPORT OF A COMPREHENSIVE PEACE AGREEMENT.

(IF ASKED)

IN 1994, WE PROVIDED APPROXIMATELY 28 MILLION IN FOOD AID, 15 MILLION IN DEVELOPMENT ASSISTANCE TO PROMOTE

SUSTAINABLE DEVELOPMENT, 11.5 MILLION IN ECONOMIC SUPPORT FUNDS, 2 MILLION IN COUNTERNARCOTICS ASSISTANCE, AND 36,000 IN INTERNATIONAL MILITARY EDUCATION AND TRAINING FUNDS TO PAY FOR FIVE INDIVIDUALS TO PARTICIPATE IN A COURSE ON CIVIL-MILITARY RELATIONS.

-GUATEMALA: HARBURY/BAMACA CASE-

Q: WHY DID THE U.S. GOVERNMENT CONCEAL INFORMATION ABOUT BAMACA'S WHEREABOUTS FROM MS. HARBURY?

A: WE ARE NOT ABLE TO DISCUSS INTELLIGENCE WITH PRIVATE CITIZENS.

WITHIN THAT CONSTRAINT, WE HAVE BEEN AS FORTHCOMING WITH MS. HARBURY AS POSSIBLE AND HAVE GONE TO EXTRAORDINARY

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LENGTHS TO GIVE HER ASSISTANCE.

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AS WE TOLD 60 MINUTES, WE RECEIVED INCONCLUSIVE INFORMATION FROM THIRD-PARTY SOURCES THAT SUGGESTED THAT BAYACA MAY HAVE BEEN CAPTURED BY THE GUATEMALAN ARMY RATHER THAN HAVING DIED IN COMBAT, AND THAT HE MAY HAVE BEEN ALIVE IN THEIR CUSTODY IN 1992.

WE DO NOT KNOW IF MR. BAYACA IS ALIVE OR DEAD AND WE HAVE NEVER HAD ANY INDICATION THAT HE WAS LIVING AT ANY TIME AFTER WE BECAME INVOLVED IN THIS CASE.

NEVERTHELESS, AND IN THE ABSENCE OF SOLID EVIDENCE ONE WAY OR THE OTHER, WE HAVE ASSUMED THROUGHOUT THAT HE COULD STILL BE ALIVE, AND WE HAVE ACTED ACCORDINGLY.

PRESSING THE GUATEMALAN GOVERNMENT PERSISTENTLY AND AT THE HIGHEST LEVELS FOR A FULL ACCOUNTING.

-HAITI: CONFIRMATION OF NEW PRIME MINISTER-

Q: WHAT COMMENT DO WE HAVE ON REPORTS THAT THE PARLIAMENT HAS CONFIRMED SMOCK MICHEL AS THE COUNTRY'S NEW PRIME MINISTER?

A: BOTH HOUSES OF PARLIAMENT CONFIRMED MICHEL'S APPOINTMENT ON NOVEMBER 4. THIS IS A GOOD SIGN THAT THE DEMOCRATIC PROCESS IS MOVING FORWARD.

-HAITI: ELECTIONS-

Q: DOES PARLIAMENT'S CONFIRMATION OF PRIME MINISTER MICHEL CLEAR THE WAY FOR ELECTIONS? WHAT IS THE ELECTION TIMETABLE?

A: WE ARE SATISFIED THAT THE HAITIAN GOVERNMENT IS WORKING TO MOUNT ELECTIONS AS QUICKLY AS POSSIBLE TO MEET THE MID-JANUARY CONSTITUTIONAL DEADLINE. BUT WE UNDERSTAND IT TAKES TIME TO PREPARE ADEQUATELY TO ENSURE THE ELECTIONS ARE FREE AND FAIR.

BROAD-BASED CONSULTATIONS ON THE ELECTORAL PROCESS ARE CURRENTLY UNDERWAY, WITH CONSIDERABLE INTERNATIONAL ASSISTANCE, AND WE ANTICIPATE ACTION SHORTLY IN PARLIAMENT ON ESTABLISHMENT OF AN ELECTORAL COUNCIL.

WE SUGGEST THAT FURTHER QUESTIONS ON THE HAITIAN

ELECTIONS BE REFERRED TO THE GOVERNMENT OF HAITI

-HAITI: U.S. TROOP WITHDRAWALS-

Q: GEN. SHELTON INDICATED THAT SOME 6,000 U.S. TROOPS IN HAITI WILL BE HOME BY AROUND CHRISTMAS. IS THIS THE CASE?

A: YES. THE PENTAGON ANNOUNCED TODAY THAT ABOUT 6,000 TROOPS WILL BE WITHDRAWN BY DECEMBER 1. IT IS EXPECTED THAT AMONG THESE WILL BE ENGINEERING ASSETS, COMBAT SERVICE SUPPORT PERSONNEL, MILITARY POLICE, INFANTRY PERSONNEL AND HEADQUARTERS PERSONNEL.

-CUBA: ESCAPES FROM GUANTANAMO. EDITORIAL-

Q: WHAT DETAILS CAN YOU PROVIDE ON RECENT ESCAPES FROM GUANTANAMO? WHY DO WE CAPTURE THEM AND BRING THEM BACK?

A: WE UNDERSTAND THAT THIS WEEKEND SOME 57 CUBAN MIGRANTS AT GUANTANAMO NAVAL BASE, ALL RESIDENTS OF A CAMP HOUSING THOSE WHO HAVE STATED THEIR DESIRE TO RETURN TO CUBA, VOLUNTARILY REPATRIATED THEMSELVES BY LEAVING

THE CAMP AND SWIMMING TO TERRITORY UNDER THE JURISDICTION OF THE GOVERNMENT OF CUBA. A NUMBER OF OTHERS FROM THAT SAME CAMP WERE INTERCEPTED AND PREVENTED FROM UNDERTAKING THE RISKY SWIM.

THERE IS CONSIDERABLE FRUSTRATION AMONG THE GROUP FOR SOME 1,000 CUBANS AT GUANTANAMO WHO HAVE ALREADY STATED THEIR DESIRE TO RETURN TO CUBA OVER THE SLOWNESS OF THE CUBAN GOVERNMENT IN ACCEPTING THEIR VOLUNTARY REPATRIATION. AS

YOU ARE AWARE, TWENTY-TWO WERE TURNED TO HAVANA BY AIR ON SATURDAY, BRING THE TOTAL REPATRIATED BY THIS MEANS TO 64. THE REPATRIATION OF THE 64 WAS ARRANGED THROUGH DIPLOMATIC CHANNELS AS STIPULATED IN THE MIGRATION AGREEMENT CONCLUDED BETWEEN THE UNITED STATES AND THE REPUBLIC OF CUBA ON SEPTEMBER 9, 1994.

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PRESS Harbury  
Guidance: Media  
Race - ARA/CEN  
Guatemala  
Peg Willingham...  
2 of 3

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ET543A

TALKING POINTS

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- It is a pleasure to see you again.
- I wanted to talk to you about the issue of Efraim Bamaca. I understand you have also been receiving calls and letters from the public, so I donot need to tell you of the high level of public interest in this case. I am sure you understand, however, that this kind of interest can have an effect on our broader relationship, including Congressional action on economic assistance.
- Our hope is that the Government of Guatemala and the Guatemalan military will move quickly to provide full information in this case. Can you tell me whether Ambassador Guadamuz has begun his work? Has there been any further movement to involve the UN Verification Mission?
- A particular issue of concern are the reports Ms. Harbury received and which we have heard concerning the existence of clandestine military detention centers, and the charge that prisoners in these prisons have been tortured. We hope the Special Investigator will look into these allegations. As agreed in the Human Rights Accords signed last March, all prisoners must be treated in accordance with the Geneva Convention.
- Our interest is not only in this case, but in the overall human rights situation in the country, and in the peace process which the U.S. is supporting. I understand there has been some delay in signing a Status of Mission agreement for MINUGUA, and hope this will be resolved quickly.
- We want to continue to support that process, and to help strengthen Guatemala's democracy.
- I have spoken to Ambassador McAfee about the possibility of my visiting Guatemala in the near future, possibly as early as this week-end. I want to do whatever I can to help bring about a resolution to this case, and to promote the overall improvement of human rights in Guatemala.
- I appreciate whatever advice you can offer about these crucial issues.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/96  
Case ID: 951222C3

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Drafted by: DRL/AAA:MTCurтин *NTC*  
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Cleared by: DRL/AAA:EClark *Edl*  
ARA/CEN:PWillingham *NTC*  
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Page 0128-0083

United States Department of State

Washington, D.C. 20520



11/8/94

Dear Mr. Sisisky:

Thank you for your letter of October 24 in which you convey the concern of your constituent, Dirk Ewers, about the welfare of Guatemalan citizen Efrain Bamaca Velasquez and his American citizen wife, Jennifer Harbury.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

Due to the strong interest in the case, the Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in 30 days.

Ms. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992.

Based on all the information available to us, we believe that Efrain Bamaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C4

The Honorable  
Norman Sisisky,  
House of Representatives.

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- 2 -

We hope that this information has been of help to you.  
Please contact us if we can be of further assistance.

Sincerely,

Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs

Enclosure: correspondence returned.

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Drafted: ARA/CEN: PWillingham  
SEARAELG 20989 8NOV94 x73559

cleared: ARA/CEN: JHamilton  
: ARA/CEN: HSimon  
: ARA/P: LMcClenny  
: H/ARA: MVeloz  
: DRL/AAA: MCurtin

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November 8, 1994

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E4597

Harbury  
file

Memorandum

TO: The Files - w/w Jennifer Harbury

RELEASED

FROM: CONS - Chuck Keil *CK*

Subject: Conversation with Dr. Henry Harbury, November 7

Dr. Harbury had indicated to Rick Nuccio and to me that he wished to be kept informed about Jennifer's medical condition. Accordingly, I called Dr. Harbury to inform him that the Embassy had been notified by Solicitor General Acisclo Valladares, the GOG official designated by President De Leon to coordinate effort to locate Efraim Bamaca, that he did not believe that the GOG would intervene to provide emergency medical assistance to Jennifer Harbury for conditions arising from her hunger strike. Valladares had stated that the GOG respects Ms. Harbury's right to free expression and petition. Furthermore, he was aware of Ms. Harbury's expresses concerns that the GOG might try to use hospitalization as a means of ending her protest. Dr. Harbury said that, if Valladares position reflected the GOG position, it was a positive step that allowed Jennifer to make her own decisions about if and when to request medical care. He said that his understanding with Jennifer about the condition under which she would accept medical assistance paralleled the written instructions that she has provided to the Embassy.

I told Dr. Harbury that Dr. Peter Kerndt had briefed Embassy officers on the probable deterioration in Jennifer's condition over the next week or so. He had expressed his concern that she would begin to experience serious impairments in bodily functions. He noted that her speech was beginning to get slurred and that her energy level -- sapped by the round of judicial activities over the past few days -- was down. I noted that we had asked Dr. Kerndt about what arrangements had been made by Jennifer's support group to provide increased medical monitoring during this period. While she may reject medical assistance, it was important to have a good fix on her actual condition. Dr. Harbury agreed and said that he would follow up on this issue with supporters in the United States. He understood that, in addition to the RN who was attending Jennifer, a Guatemalan doctor was on standby to perform more comprehensive medical examinations and provide advice.

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AMEMBASSY GUATEMALA  
CONSULAR SECTION

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 95A22205

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(Dr. Harbury, p. 2) **UNCLASSIFIED**

I told Dr. Harbury that the Ambassador was continuing to press for a complete, timely investigation of Efraim Bamaca's whereabouts. Our goal was to facilitate efforts by the GOG, working closely with Jennifer, to follow up on any and all leads. We had worked hard behind the scenes to postpone the exhumation until U.S. forensic experts were available to observe the process. He thanked me for the Ambassador's continuing support, urged increased pressure on the GOG, and asked that we inform him should we notice any additional indications that Jennifer's physical condition was deteriorating. I said that I would pass his comments along to the Ambassador, and that we would keep him informed of further developments.

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MEMORANDUM

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DATE: November 8, 1994  
TO: ARA/CEN - Peg Willingham  
THRU: DCM - John Keane  
FROM: CONS - Carolyn Gorman  
SUBJECT: Jennifer Harbury Update - Nov. 8

- This version  
not yet  
cleared w/ John  
Don't know if  
he sent it

It was announced in today's news that the Supreme Court decided to appoint the Human Rights Ombudsman as the special investigator to carry out the investigation of the Bamaca disappearance. We were also informed by the assistant in the Solicitor General's office that the Public Ministry had also been designated to work with the Ombudsman's office. We are still trying to verify that. Ms. Harbury was not pleased with the decision because, in her view, the Human Rights Ombudsman's office has shown little interest in the case over the past 2 years.

Demonstration

I visited Jennifer today at her hunger strike site. She reported that she was not affected by last night's demonstration held by rock-throwing students (and others) against the rise in bus fares. Students threw rocks at policemen who were guarding the National Palace. Jennifer said that the group was not very large and that they were all very nice to her, only borrowing a couple of her cinder blocks to break into pieces to throw at police. She said that if demonstrations continue and she gets hit with a rock, she will move away until they end. I told her that the newspapers had reported that demonstrations could continue and become more violent and that the Embassy was very concerned about her safety, warning her again to leave at the slightest sign of violence or provocation.

Medical Instructions

I told Jennifer that her father had called the State Department and was very concerned about her health. Jennifer said that she has access to doctors of her choice and did not need the Embassy's assistance. I emphasized that she should have a doctor monitoring her health regularly and told her we could assist her in arranging that should she change her mind. She also said that her written instructions on medical treatment would stay in effect for a couple more days, after which she would probably change them. She is otherwise fine. Congen called Dr. Harbury on Nov. 7 and reported on Jennifer's health and assured him that the Embassy would offer its assistance again in arranging medical treatment. He was very appreciative and again thanked the Embassy for arranging the cancellation of Friday's exhumation.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 954222C5

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AMEMBASSY GUATEMALA  
CONSULAR SECTION

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Information on Possible Bamaca Sighting

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Consular Section secretary received a call at 0945 on Nov. 7 from a man who identified himself as [redacted] from the town of Jutiapa. He said that he is the neighbor of the people who are holding Bamaca against his will in their shack in the mountains. He said their names are, Margarito Santos, Abigail Santos y Santos and Aridai Santos y Santos. They live in Aldea Suchitan, Municipio de Santa Catarina Mita, Jutiapa, near the evangelico Temple. He said they are known to be very mean and the people in town have heard that they torture and beat Bamaca. [redacted] said that he has seen Bamaca personally and said that he is positive that it is Bamaca because the people holding him always take him the newspaper when there are articles on his case.

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Ambassador, Congen, and DCM decided to pass this information to the Attorney General who is investigating the case. They reached the Attorney General, Ramses Cuestas, later that afternoon and passed the information to him.

I passed it on to Jennifer during my visit at 0900 this morning. She was upset that the Embassy had chosen to pass the information on to the GOG first instead of to her immediately. She said she would do what she could with the information but said, "The Embassy made a big mistake on this one" (by notifying GOG). She said because the Embassy chose to tip off the government, Bamaca surely has been moved and it will be too late to rescue him.

Exhumation

The exhumation of the 2 guerrilla cadavers will be set for 10 am on Thursday, Nov. 10, according to Jennifer. She will bring in a forensic pathologist from Seattle, Bill Hayland, to examine the remains. He is coming down as a representative of the group, "Physicians for Human Rights" out of Boston.

Meeting with Bamaca Family

After yesterday's court hearing, Jennifer reported that she went to dinner (she didn't eat) with Bamaca's father, sister, and nephew, who were brought into town by the Solicitor General's office. She complained that the Solicitor General's assistant, Alex Noack Sierra (brother of Col. Otto Noack) was present the whole time, despite her vehement objections. Also present were two press people, although she doubts they were really from the press. They told her that the family wanted them present. She seriously doubts that. She said the family was terrified and barely spoke to her, repeating all night "we haven't seen our son in 18 years, we didn't know he was a guerrilla, we didn't know he was married." She said she told them about their son and how he felt about them and also offered to help them in any way possible, i.e. with schooling for the nephew, etc.

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I had spoken with A .sclo Valladares earlier yesterday and had passed on Jennifer's complaint that she had first met the family in the morning with press and then with a security guard present. I told him that she hoped to spend a few minutes alone with them that evening. He indicated that that would be possible, but apparently, it wasn't.

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United States Department of State

Washington, D.C. 20520



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**GUATEMALA**  
ARA (Cen: Peg Willingham  
Memos Harburg Email  
2 of 3 (ARA)

TO: ARA - Anne W. Patterson  
FROM: ARA/CEN - John Hamilton  
SUBJECT: Briefing Congressional Staffers on Bamaca  
Thursday, November 10, 1994  
Hart Building

You are scheduled to brief Senate staffers tomorrow at 2:00 PM about the Harbury/Bamaca case. They are likely to focus in particular on what the USG knew when, in the wake of "60 Minutes" reporting about intelligence information indicating that Bamaca was captured alive, [REDACTED]

[REDACTED]

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[REDACTED] You are also likely to be asked about U.S. aid to Guatemala.

ARA/CEN, DRL, H, and Rick Nuccio's office have received dozens of calls from staffers since Harbury went on hunger strike October 11. Several Congressional letters have already come in and more are likely. Senator Leahy wrote to Guatemalan MOD Enriquez October 17 (see TAB C) about the case. Craig Powers, who works for Rep. Connie Morella, is part of an NGO delegation to observe the exhumation tomorrow of remains that may or may not be Bamaca's. We have sent information about U.S. aid and our handling of this case to several staffers. Deb Hauger, HFAC Chairman Hamilton's Latin American adviser, told Peg Willingham in late October that she thought the Department and embassy were handling this case well, but urged us to press the GOG further. - Other staffers had similar reactions, but that approbation may have ebbed lately.

You will probably face skepticism about our efforts to assist Harbury and to pressure the GOG, and condemnation of our perceived coverup of intelligence information suggesting that Bamaca was captured alive. You will also probably be pressed to disclose what steps the USG plans to take next. Talking points on these issues are attached at TAB A. Also attached for your information is a chronology of what the USG knew and did on this case (TAB B), as well as information on U.S. aid (TAB C).

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United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C5

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Talking Points: Harbury/Bamaca

## USG Assistance to Harbury

- o We have provided and continue to provide Jennifer Harbury with extensive assistance in her search for information about her husband, Guatemalan guerrilla leader Efraim Bamaca, since she requested our help in March 1993.
- o In addition to raising the Bamaca case with the Guatemalan government as soon as Ms. Harbury raised it with us, our embassy has repeatedly encouraged Guatemalan officials to meet and cooperate with Ms. Harbury.
- o We facilitated the exhumation of a grave in August 1993, to determine if it contained her husband's remains, and an embassy officer accompanied Ms. Harbury as a witness to the exhumation. Those remains were identified as not belonging to her husband.
- o Senior officials of the State Department -- Assistant Secretary for Democracy, Human Rights and Labor John Shattuck, ARA Senior Adviser Rick Nuccio, U.S. Ambassador to the UN Human Rights Commission Geraldine Ferraro, and myself -- have each met one or more times with Ms. Harbury. Additionally, Ambassador McAfee has met some ten or more times with Ms. Harbury.
- o We have repeatedly and forcefully raised our concerns about this case directly with senior Guatemalan officials including, among others, the President, the Minister of Defense, the Minister of Foreign Affairs, the Attorney General, and the Guatemalan ambassador here in Washington.
- o State Department officials (Guatemala desk officer and DRL officers) have also met with Santiago Cabrera Lopez, who claims to have seen Bamaca in army custody in March and July 1992.
- o Since Ms. Harbury began her hunger strike on October 11, Ambassador McAfee has met with her personally on at least seven occasions. Embassy officers visit Ms. Harbury daily, and we have made clear to the Guatemalan government that the United States expects that government to ensure her physical security.
- o The embassy successfully intervened with the Guatemalan government to postpone an exhumation of remains that might be Bamaca's, to allow Ms. Harbury to arrange for the participation of forensic specialists of her choosing.
- o The Ambassador and her staff have also met with several groups of Ms. Harbury's supporters, including on a holiday, and sent an embassy car to pick up one of Ms. Harbury's supporters at the airport and to drive him to the town where the exhumation was originally to have taken place.
- o Embassy staff and I have also spoken on several occasions with Ms. Harbury's family.

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## GOG Actions

- o We welcome President de Leon's October 27 announcement of a special investigation of the Bamaca case, his naming of a coordinator to head the investigation, the issuance of a new writ of habeas corpus, and the judicial proceedings to locate Bamaca now underway. We hope that these measures will lead to the resolution of this case.
- o We are aware that Ms. Harbury does not believe any GOG investigation will be credible. However, the new investigation should be given time, although not too much time, to show results.

## (IF ASKED)

- o We have heard from some of Ms. Harbury's associates that they believe her questioning by GOG authorities last Thursday and the decision to interview Bamaca's father and sister constitute "psychological torture." Embassy officials were not present at either session. However, the GOG has told us that any investigation necessarily entails questioning the parties involved.

## Intelligence Information on Bamaca's Fate

- o As you know, we are not able to discuss intelligence with private citizens.
- o Within that constraint, we have been as forthcoming with Ms. Harbury as possible and have gone to extraordinary lengths to give her assistance.
- o As we told "60 Minutes," we received inconclusive information from third-party sources that suggested that Bamaca may have been captured by the Guatemalan army rather than having died in combat, and that he may have been alive in their custody in 1992.
- o We do not know if Bamaca is alive or dead and we have never had any indication that he was living at any time after we became involved in this case. However, it does not seem likely that he remains alive.
- o Nevertheless, and in the absence of solid evidence one way or the other, we have assumed throughout that he could still be alive, and we have acted accordingly, pressing the Guatemalan government persistently and at the highest levels for a full accounting.

## (IF ASKED)

- o We did not bring the May 1993 information to the GOG's attention because we did not believe it gave us a sufficiently concrete basis to do so. However, we had already approached the GOG about the case at that time and have continued to do so.

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## Next Steps

- o Our chief foreign policy goals in Guatemala are strengthening democracy and promoting respect for human rights. We take several approaches to tackle this challenge, including strengthening existing human rights and judicial institutions and focusing on individual cases.
- o On the Bamaca case, in addition to the steps already described, we have already approached the recently-established UN Verification Mission in Guatemala (MINUGUA) to encourage them to participate as far as their mandate allows in resolving this and other human rights cases.
- o We have also urged President de Leon to press the army for a full accounting on the basis of information available to us from various sources.
- o We are aware of calls to end aid to and trade with Guatemala. As you know, we cut off military aid four years ago on human rights grounds; our relatively modest development aid goes for basic human needs. Cutting off aid would hurt Guatemala's poorest citizens and would probably engender a backlash against the USG that would do little or nothing to further the investigation of Bamaca's fate.
- o As you know, Guatemala's enjoyment of GSP benefits has been under review for over a year because of concerns about worker rights.
- o As for NAFTA membership, Guatemala is quite far from achieving that status.

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## Guatemala: U.S. Assistance

- o Our relatively small assistance program in Guatemala (approximately \$50 million) focuses on basic human needs and support for human rights and judicial reform. It provides vitally needed aid that promotes health and child survival, judicial reform, measures to protect the environment and to encourage broad-based sustainable development.
- o Much of our aid to Guatemala is delivered through non-governmental organizations (NGOs) to ensure that it goes directly to the most needy.
- o Military aid to Guatemala was halted in 1990 because of concern over persistent human rights abuses.
- o In 1994, we converted the \$4.6 million of frozen military aid to civilian economic support funds and earmarked it for future support of a comprehensive peace agreement.
- o In 1994, we provided approximately \$28 million in food aid, \$15 million in development assistance to promote sustainable development, \$11.5 million in economic support funds, \$2 million in counternarcotics assistance, and \$36,000 in International Military Education and Training funds to pay for five individuals to participate in a course on civil-military relations.

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Drafted: ARA/CEN: PWillingham  
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Cleared: H: MVeloz

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Chronology of U.S. Information about Efrain Bamaca

1992

March 12: Efrain Bamaca Velasquez, aka Comandante Everardo, disappears after fight with Guatemalan army near Retalhuleu.

11/7/94

B1

March and July: Santiago Cabrera Lopez says that he saw Bamaca in army custody.

December: Santiago Cabrera Lopez says he escaped from army custody and left Guatemala.

1993

February: Santiago Lopez Cabrera and Jorge Augusto Recinos (noms de guerre: Carlos and Willy) testify at UN Human Rights Commission in Geneva about seeing Bamaca and 35 other guerrillas in clandestine army detention.

March 9: Jennifer Harbury speaks by telephone with AmEmbassy Guatemala's human rights officer, Jeff Moon.

March 11: Then-desk officer John Arndt meets with Jennifer Harbury in Washington.

March 12: Harbury writes to Jeff Moon outlining case and describing aborted exhumation.

March 15: Charge and ADCM talk to Attorney General Asisclo Valladares about case.

March 18: Emb. speaks to HR Ombudsman De Leon Carpio. Discreet inquiries made with GOG military and civilian officials.

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Case ID: 951222C5

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March 18: Jeff Moon speaks with JH by telephone: Discuss ground rules re confidentiality, procedures for exhumation, etc.

March 19: Embassy reviews HR Ombudsman's files on case.

March 21: JH writes to Jeff Moon describing marriage, attaching privacy act waiver.

March 22: COPREDEH (Guatemala's Presidential Human Rights Commission) contacted about case.

March 24: Jeff Moon speaks with JH by telephone, discussing informal inquiries to GOG, steps on exhumation proceedings.

March 26:  HR officer Moon speak to then-MOD Perez. ✓

B1

March 30: JH called Emb. and discuss ways to identify Bamaca.

May 7: JH calls Emb. and is advised that HR Ombudsman de Leon will not take her case.

Mid-May 1993: unidentified senior Guatemalan military officers claim that the army holds URNG members in clandestine jails. The officers reportedly believe the accounts of "Willy and Carlos" regarding seeing Bamaca alive. They also claim that there were 340 to 360 former URNG members under military control.

*Not seen  
unfiled  
10/19*

July 11: AMB meets with Pres. De Leon, suggests he abolish clandestine prisons if any exist.

Aug. 17: Retalhulehu exhumation. Embassy officer accompanies Harbury to witness exhumation; which did not produce Bamaca's body.

Aug. 30: JH meets MOD.

Sep. 2: JH appears at Consulate unexpectedly and leaves angrily because unable to meet consular officer Mary Granfield, who was away from Consulate at a meeting.

September 1993: JH goes on hunger strike for one week in Guatemala City.

Early October: two soldiers imprisoned for the murder of Michael Devine publicly claim knowledge of clandestine cemeteries and jails. According to an untested clandestine source, several former guerrillas collaborate with the army.

Oct. 21: JH meets DAS Patterson in Washington, who suggests she file case with UNHRC in Geneva. ||

Oct. 22: JH meets with DRL A/S Shattuck in Washington.

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-3-

1994

January: AMB raises case with MOD Enriquez.

February: U.S. Ambassador to the UNHRC Geraldine Ferraro meets with JH in Geneva.

April: ARA Senior Adviser Nuccio meets with JH.

Mid-April:

[REDACTED]

B1

May:

[REDACTED]

B1

October 3: Peg Willingham is scheduled to meet with Jennifer Harbury, who cancels their meeting at the last minute and does not reschedule. ARA/CEN director and deputy director and DRL desk officer had also planned to attend.

October 11: Jennifer Harbury goes on hunger strike in Guatemala City.

October 13: Guatemala desk officer Peg Willingham meets with Sister Dianna Ortiz and Santiago Cabrera Lopez.

October 14/177: A/S Watson calls meeting to discuss Bamaca case. He is not familiar with the details of the case and tasks ARA/CEN with a file search

October 14/177???? Peg Willingham meets with ICRC delegates, who say that they interviewed Cabrera Lopez and Augusto Recinos for over two hours and found their story lacking in credibility.

October 18: ARA/CEN desk officer searches 1993 CASC and PHUM files, since ARA/CEN had no single "Bamaca" or "Harbury" file. This search takes several hours, since hundreds of cables and memos are retained in these files.

[REDACTED]

B1

October 19: Peg Willingham searches 1994 CASC and PHUM files. Among the documents she collects is the May 1994 clandestine report mentioned above.

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-4-

October 24: [REDACTED]

B1

Oct/Nov: Memo from Anne Patterson to INR/IL to seek more information.

Oct/Nov: another meeting with Watson, Skol, McClenny, etc. to discuss case

October/Nov: Embassy continues assistance to Harbury and pressure on GOG.

October 25: ARA/CEN Director John Hamilton discusses case with President de Leon in Tegucigalpa.

October 27: De Leon announces new investigation.

October/Nov (?): [REDACTED]

B1

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UNCLASSIFIED  
Pg 40126-0067

United States Department of State

Washington, D.C. 20520

*E4610*  
RELEASED

Dear Ms. Harman:

Thank you for your letter of October 28 concerning the welfare of Guatemalan citizen Efraim Bamaca Velasquez and his American citizen wife, Jennifer Harbury.

We have repeatedly raised this case at the highest levels of the Guatemalan government, including the Attorney General, Minister of Defense, and President de Leon. State Department officials in Washington and Guatemala have met with Ms. Harbury on several occasions to discuss this case, and the Ambassador and other embassy officers visited her several times during her recent hunger strike.

Due to the strong interest in the case, the Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the Human Rights Ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President de Leon has stated that MINUGUA (the UN Human Rights Verification Mission) can help as well. The Supreme Court has asked that the investigation be completed in 30 days.

Ms. Harbury ended her hunger strike on November 11 and returned to the U.S. over the Veteran's Day weekend. In a public statement, she said she would return to Guatemala to cooperate in the new investigation and to file criminal charges against military personnel whom she says were involved in her husband's capture and detention in 1992.

Based on all the information available to us, we believe that Efraim Bamaca was taken captive by the Army in March 1992. We have no information to indicate he was alive much beyond the first few weeks following his capture.

The Honorable  
Jane Harman,  
House of Representatives.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 951222C5

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**UNCLASSIFIED**

**- 2 -**

**Promoting respect for human rights is at the top of our bilateral agenda with Guatemala and we will continue to be active on this and other human rights cases there.**

**Sincerely,**

**Wendy R. Sherman  
Assistant Secretary  
Legislative Affairs**

**Enclosure: correspondence returned.**

**UNCLASSIFIED**

UNCLASSIFIED

drafted:ARA/CEN:PWillingham:jd  
SEARAELG 21002 9NOV94 z73569

cleared:ARA/CEN:JHamilton  
:ARA/CEN:HSimon  
:ARA/P:LMcClenny  
:H/ARA:MVeloz  
:DRL/AAA:MCurtin

9401-0418  
4643

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RELEASED IN PART

B1,A3,A5

OUTGOING

E4615

DEPARTMENT OF STATE  
ARA/NEA REARCS

PAGE 01 OF 02 STATE 303130 091447Z  
ORIGIN: DCEN (03)

021064 5809809

STATE 303130 091847Z

021064

5809809

INFO: 00 (01) 51 (01) 00 (02) 00 (03) 00 (01) 00 (01) 00 (01)  
ARA (01)

----- 09/1854Z AT LN (TOTAL COPIES: 014)  
ORIGIN ARA-00

INFO LOG-00 OAS-00 TEDE-00 ADS-00 ONY-00 SSO-00 /8018

DRAFTED BY: ARA/CEN: BUSINON  
APPROVED BY: ARA/CEN: BUSINON

----- 8602AF 091848Z /30

O 091849Z NOV 94  
FM SECSTATE WASHDC  
TO AMEMBASSY BELIZE IMMEDIATE  
AMEMBASSY GUATEMALA IMMEDIATE  
AMEMBASSY MANAGUA IMMEDIATE  
AMEMBASSY PANAMA IMMEDIATE  
AMEMBASSY SAN JOSE IMMEDIATE  
AMEMBASSY SAN SALVADOR IMMEDIATE  
AMEMBASSY TEGUCIGALPA IMMEDIATE

SECRET STATE 303130

FOR AMBASSADOR OR CHARGE FROM ARA/CEN

E.O. 12356: DECL: OADR  
TAGS: AMET  
SUBJECT: OFFICIAL-INFORMAL

1. FOLLOWING IS ARA/CEN ASDAR FOR NOVEMBER 8, 1994.  
BEGIN TEXT.

GUATEMALA

(C) SHATTUCK VISIT: DRL A/S SHATTUCK PLANS TO VISIT  
GUATEMALA NEXT MONDAY. HE TOLD GT AMBASSADOR MULET TODAY  
THAT HE WILL BEAR A "POSITIVE" MESSAGE OF SUPPORT FOR THE  
PEACE PROCESS AND ENCOURAGEMENT REGARDING THE ONGOING  
INVESTIGATION INTO THE BAMACA CASE. MULET EXPRESSED  
APPRECIATION FOR THIS APPROACH

[REDACTED] B1  
[REDACTED] PMILLINGHAM

PANAMA

(C) PANAMA TO ASK USG TO "DECONTAMINATE" BASES: CARLOS  
MENDOZA, PRESIDENT OF THE INTEROCEANIC REGION AUTHORITY  
(ARI) HAS ANNOUNCED THAT THE GOP WILL BE ASKING THE USG  
TO CLEAN UP MILITARY BASES BEFORE TURNING THEM OVER.  
MENDOZA SPECULATES THAT THE COST WOULD BE IN THE HUNDREDS  
OF MILLIONS OF DOLLARS AND BELIEVES THE PANAMANIANS ARE  
EXERCISING THEIR RIGHTS UNDER THE TREATY'S IMPLEMENTATION  
AGREEMENT. THE AGREEMENT DOES REQUIRE THE U.S. TO CLEAN  
UP AREAS BUT DOES NOT GO AS FAR AS THE PANAMANIANS  
THINK. THE AGREEMENT SAYS THE CLEANUP SHOULD BE AS MUCH  
"AS IS PRACTICAL". BOO HAS BEEN QUICK TO NOTE THAT THE  
TREATY DOES NOT SAY "POSSIBLE" THE REAL PROBLEM ARISES  
WITH CLEANING UP TANK PLANT AREAS AND, PARTICULARLY,  
BOMBING RANGES WHERE, EVEN IF IT WERE POSSIBLE TO DO,  
COSTS WOULD BE ASTRONOMICAL. WE ARE WORKING WITH BOO TO  
DEVELOP A PROPERTY REVERSION POLICY THAT INCLUDES

CLEANUP. (RIGHT)

(L) PRELUDE TO GATT: PANAMANIANS ARE INSISTING THAT  
USTR EASE UP ON REQUESTS THAT PANAMA DRASTICALLY REDUCE  
ITS TARIFFS ON PROTECTED PRODUCTS. AMBASSADOR ARIAS  
CALLED ON SURO-BREDIE LAST WEEK SAYING HIS GOVERNMENT IS  
"FLABBERGASTED OVER OUR REQUESTS". ARIAS WAS NOT ABLE TO  
GIVE SPECIFIC EXAMPLES, AND USTR WAS NOT IMPRESSED. HIS  
REQUEST FOR PRE-NEGOTIATIONS MEETINGS WAS DECLINED BUT  
USTR OFFERED TO HELP ANSWER ANY TECHNICAL QUESTIONS.  
NEGOTIATIONS ARE DUE TO BEGIN NOVEMBER 21. (RIGHT)

EL SALVADOR

(C) NSC CONSIDERS DED: NSC MET WITH DOJ, INS, VP'S  
OFFICE, DOMESTIC POLICY COUNCIL AND STATE (CEN, PRM,  
DRL) TODAY TO DISCUSS DED. INS PLANS TO RELEASE ITS  
DECISION IN ABOUT 2 WEEKS TO PERMIT DED TO EXPIRE BUT  
GRANT AN AUTOMATIC EXTENSION OF WORK PERMITS FOR SIX  
MONTHS. WE ARE WORKING WITH INS ON THE PUBLIC  
INFORMATION CAMPAIGN AND ON TALKING POINTS FOR THE VP IF  
HE SEES CALDERON SOL IN MEXICO AT THE INAUGURATION ON  
DECEMBER 1. (GRIFFIN) (APPROVED: ARA/CEN: BUSINON)

END TEXT.

2. FOLLOWING IS ARA/SUMMIT COORDINATING OFFICE ASDAR FOR  
NOVEMBER 8, 1994. BEGIN TEXT.

(C) FINAL CONSULTATIONS PLANNED ON SUMMIT DOCUMENTS:  
WHITE HOUSE PLANNERS HAVE AGREED TO SCHEDULE A SESSION

NOVEMBER 28-29 WITH REPRESENTATIVES OF ALL 33 INVITED  
COUNTRIES TO NAIL DOWN THE LANGUAGE OF THE DECLARATION OF  
PRINCIPLES AND PLAN OF ACTION. THE MEETING IS  
TENTATIVELY SET FOR AIRLIE HOUSE OUTSIDE WASHINGTON. WE  
HOPE TO GET A CABLE OUT ASAP WITH AN INVITATION.  
(BROWN/MILLER)

(C) BRAZIL LEADS CHARGE FOR AIDES IN LEADERS-ONLY  
WORKING SESSIONS:

[REDACTED] B1

(BROWN)

(C) CONCAUSA SIGNING ARRANGEMENTS UNDER WAY:  
PREPARATIONS ARE PROCEEDING ON HAVING THE CONCAUSA  
AGREEMENT WITH THE CENTRAL AMERICANS ON SUSTAINABLE  
DEVELOPMENT APPROVED AND SIGNED AT THE SUMMIT. ARA/CEN  
IS MOVING A BRILL-I-TON TO GET WHITE HOUSE APPROVAL OF THE  
AGREEMENT, AND NSC ADVISES WHITE HOUSE SCHEDULERS ARE  
WORKING TO GET A SIGNING CEREMONY ON THE SUMMIT  
SCHEDULE. (MOGANSON) (APPROVED: ARA/SCG: RCBROWN)

END TEXT.

3. FOLLOWING IS ARA/PPCP ASDAR FOR NOVEMBER 8, 1994.  
BEGIN TEXT.

(L) LABOR DEPARTMENT SLIP: DEPUTY UNDER SECRETARY OF  
LABOR JOAQUIN OTERO SENT A LETTER TO ARA CHIEFS OF  
MISSION ASKING THEM TO ADVISE HIM AS TO WHETHER HOST  
COUNTRY LABOR MINISTERS ARE LIKELY TO BE INTERESTED IN  
OBTAINING FUNDS FROM THE MULTINATIONAL INVESTMENT FUND  
(MIF) OF THE IDB TO IMPROVE THEIR RESPECTIVE INDUSTRIES.  
THE LETTER WAS NOT COORDINATED NOR CLEARED WITH THE

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UDDS 000696

IMMEDIATE

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SECRET

OUTGOING

DEPARTMENT OF STATE  
ARA/NEA REARCS

PAGE 02 OF 02 STATE 303130 091847Z -  
DEPARTMENT, AND SEVERAL EMBASSIES HAVE ASKED FOR  
GUIDANCE. WE HAVE ADVISED THEM TO RESPOND TO USDOOL'S  
REQUEST AND WE HAVE DISCUSSED WITH USDOOL/ILAB THE  
IMPORTANCE OF A COORDINATED APPROACH TO ACHIEVE PROGRAM  
EFFECTIVENESS. (ANDERSON) (APPROVED: LGUTIERREZ)

021064 5009000

END TEXT.  
TALBOTT

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SECRET

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CONFIDENTIAL  
DEPARTMENT OF STATE  
ARA/NEA REARCS

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INCOMING  
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E4621

PAGE 01 OF 02 GUATEM 10212 00 OF 02 092321Z 021230 S013585  
ACTION: GT (01)

INFO: DCEN (03) REC (01) LARA (01) RJC (01) AMP (01) SPA (01)  
ARA (01) PPC (01) OAS (01) PPA (01) RJ (01) PDAS (01) SCO (02)  
ES (01) NU (02) CS (01) HO (01) BR (01)

10/1033Z A2 RD (TOTAL COPIES: 023)

ACTION ARA-00

INFO LOG-00 ACDA-17 ACDE-00 AID-00 AMAD-01 CA-02 CIAE-00  
OAS-00 DOCE-00 EB-00 FBIE-00 H-01 TEDE-00 INR-00  
10-16 LAB-01 L-00 ADS-00 N-00 NSAE-00 OCS-06  
OIC-02 OMB-01 PA-01 PH-00 PRS-01 P-01 SHP-00  
SP-00 SR-00 STR-01 TRSE-00 T-00 USIE-00 PNB-00  
PRNE-01 DRL-00 C-00 /06SV

-----06CCSS 092323Z /34

0 092319Z NOV 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 6943  
INFO USCINCSO QUADRY HEIGHTS PH  
ARA CENTRAL AMERICA  
NSC WASHDC

CONFIDENTIAL GUATEMALA 010212

CINCSO FOR POLAD

NSC FOR FEINBERG

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUM, PINS, PCOV, PINR, GT  
SUBJECT: HARBURY: REQUEST FOR MEETING WITH VP AL GORE

1. CONFIDENTIAL - ENTIRE TEXT.
2. JENNIFER HARBURY'S U.S. ATTORNEY JOSE PERTIERRA,

ACCOMPANIED BY FORENSIC ATTORNEY JIM MALONEY, MET WITH THE AMBASSADOR MORNING OF NOVEMBER 9 TO REVIEW NEXT STEPS IN OUR JOINT EFFORTS TO DETERMINE THE WHEREABOUTS OF EFRAIN BAHACA. POLCOVINS AND CONGEN WERE ALSO PRESENT. PERTIERRA OPENED WITH A SHORT SUMMARY OF MS. HARBURY'S CASE AGAINST THE GUATEMALAN GOVERNMENT IN THE OAS HUMAN RIGHTS COMMISSION. HE NOTED THAT THE EVIDENCE PRESENTED IN THE CASE INCLUDED SPECIFIC IDENTIFICATION OF GUATEMALAN MILITARY OFFICERS WHO HAD PARTICIPATED IN BAHACA'S ALLEGED DETENTION AND SUBSEQUENT TORTURE. ON THE BASIS OF THIS CREDIBLE EVIDENCE, HE CONTINUED, THE OAS IN DECEMBER HAD ORDERED THE GOG TO TAKE PRECAUTIONARY MEASURES TO SAFEGUARD BAHACA AND THE OTHER COMBATANTS BEING HELD BY THE GUATEMALAN ARMY. PERTIERRA SAID THAT THE GOG HAD REJECTED THE OAS INSTRUCTIONS, CLAIMING THAT THEY WERE INAPPROPRIATE SINCE THE GOG WAS NOT HOLDING THESE COMBATANTS. HE NOTED THAT THE OAS HAD NO SANCTIONS AVAILABLE TO ENFORCE ITS ORDERS.

3. PERTIERRA REPORTED THAT A FOLLOWUP HEARING IN THE CASE HAD BEEN HELD LAST THURSDAY AND THAT A WITNESS SENT FROM MEXICO (PRESUMABLY BY THE URNG) HAD PROVIDED LONG, DETAILED TESTIMONY CONCERNING BAHACA'S CAPTURE AND SUBSEQUENT DETENTION. HE CHARACTERIZED THE GOG'S CROSS EXAMINATION OF THE WITNESS AS PERFUNCTORY AND FOCUSED ON MAKING STATEMENTS RATHER THAN CHALLENGING THE WITNESS' TESTIMONY. PERTIERRA FEELS THAT THE CASE IS READY FOR DECISION AND THAT HARBURY WILL WIN, BUT NOTED THAT THE DECISION HAS NO TEETH.

4. POINTING OUT THAT THE GOG HAS NOT TAKEN STATEMENTS FROM ANY OF THE OFFICERS LISTED IN HARBURY'S OAS BRIEF, PERTIERRA SAID THAT HE DOUBTED THAT THE CURRENT GOG INVESTIGATION INTO

BAHACA'S WHEREABOUTS WOULD PROSPER. HARBURY AND HER SUPPORTERS UNDERSTOOD THAT BAHACA WAS A COMBATANT IN AN ONGOING

GUATEM 10212 00 OF 02 092321Z 021230 S013585  
INSURGENCY. THEY WERE NOT ASKING FOR HIS RELEASE, BUT RATHER ASSURANCES THAT HE AND THE OTHER 35 URNG COMBATANTS ALLEGEDLY BEING HELD BY THE GUATEMALAN ARMY ARE BEING TREATED IN ACCORDANCE WITH THE GENEVA CONVENTION, PARTICULARLY WITH RESPECT TO ACCESS (TO CONFIRM THEY ARE ALIVE AND WELL) AND PROTECTION FROM TORTURE OR MISTREATMENT.

5. PERTIERRA SAID THAT JENNIFER AND HER SUPPORTERS WERE CONCERNED BY THE CLAIM IN THE 60 MINUTES PROGRAM THAT A CIA REPORT CONTAINING INFORMATION ABOUT BAHACA'S WHEREABOUTS HAD NOT BEEN SHARED WITH THEM. HE URGED THAT THIS AND ANY OTHER INFORMATION THAT WE DEVELOPED ABOUT BAHACA BE MADE AVAILABLE. NOTING THAT THE NEW GUATEMALAN PENAL CODE REQUIRES THE PUBLIC MINISTRY (PROSECUTORS OFFICE) TO PRESERVE RECORDS THAT RELATE TO ACTIVE CASES, HE URGED THAT THE EMBASSY PRESSURE THE GOG TO PROTECT ANY MILITARY RECORDS THAT MIGHT SHED LIGHT ON THE WHEREABOUTS AND ACTIVITIES OF THOSE MILITARY OFFICERS IDENTIFIED IN THE OAS BRIEF. PERTIERRA CLOSED HIS OPENING REMARKS BY ARGUING FOR TARGETED ECONOMIC SANCTIONS AGAINST SPECIFIC GUATEMALAN PRODUCTS TO CONVINCE THE GUATEMALAN PRIVATE SECTOR, AND THEREBY THE ARMY, THAT WE MEAN BUSINESS ON BAHACA.

6. RESPONDING TO PERTIERRA'S SPECIFIC REQUESTS, THE AMBASSADOR NOTED THAT ANY QUESTIONS CONCERNING THE ALLEGATIONS BY 60 MINUTES THAT THE CIA HAD INFORMATION ON BAHACA SHOULD BE PURSUED IN WASHINGTON. SHE SAID THAT WE WOULD RAISE WITH THE GOG CONCERNS THAT ALL RECORDS BE PRESERVED THAT RELATED TO THIS AND OTHER HUMAN RIGHTS CASES. WE CONTINUE TO PRESSURE FOR COMPLETE INVESTIGATIONS IN CASES WHERE MILITARY INVOLVEMENT IS

KNOWN, AS IN THE DEVINE CASE, OR SUSPECTED. BUT THE WALL OF IMPUNITY AROUND MILITARY INVOLVEMENT IN HUMAN RIGHTS VIOLATIONS IS STRONG AND WE HAVE NOT BEEN ABLE TO BREACH IT. THE AMBASSADOR REITERATED OUR WELL-KNOWN POSITION THAT ECONOMIC SANCTIONS WOULD HARM THOSE AT THE BOTTOM OF THE ECONOMIC LADDER IN GUATEMALA, AND WOULD THREATEN A BACKLASH AGAINST BROADER EFFORTS TO SEEK PEACE, PROMOTE EQUITABLE ECONOMIC DEVELOPMENT, AND STRENGTHEN DEMOCRACY.

7. PERTIERRA THEN TURNED TO JENNIFER'S HEALTH. HE SAID THAT SHE HAD UNDERTAKEN THE HUNGER STRIKE AGAINST HIS RECOMMENDATIONS, AND THAT HE WAS CONCERNED ABOUT HER DETERIORATING PHYSICAL CONDITION. HE URGED THAT WE SEEK A WAY OF CONVINCING JENNIFER TO END HER HUNGER STRIKE SHORT OF A CLEAR DETERMINATION OF BAHACA'S FATE. RICHARD WILHELM OF VICE PRESIDENT GORE'S STAFF HAD CALLED HIM RECENTLY ASKING THAT PERTIERRA MEET WITH THE VICE PRESIDENT'S NATIONAL SECURITY ADVISOR UPON RETURNING FROM GUATEMALA. PERTIERRA SUGGESTED TO WILHELM THAT THE VICE PRESIDENT AGREE TO MEET PRIVATELY WITH JENNIFER IN WASHINGTON AS A WAY TO PERSUADE HER TO END HER HUNGER STRIKE. AFTER ARRIVING IN GUATEMALA ON TUESDAY AFTERNOON, HE HAD BROACHED THE IDEA TO JENNIFER, WHO HE CLAIMS WAS INTERESTED BUT SKEPTICAL ABOUT THE POSSIBILITY THAT SUCH A MEETING WOULD TAKE PLACE. PERTIERRA URGED THE AMBASSADOR TO

REPORT HIS REQUEST FOR A HARBURY MEETING WITH THE VICE PRESIDENT TO THE DEPARTMENT, WITH AN EMBASSY RECOMMENDATION THAT THIS IS A PROMISING OPPORTUNITY TO END THE HUNGER STRIKE. THE AMBASSADOR UNDERTOOK TO FORWARD THE SUGGESTION TO THE DEPARTMENT, BUT WAS CAREFUL NOT TO COMMIT HERSELF TO

RECOMMENDING ITS ADOPTION.

8. PERTIERRA CLOSED THE MEETING BY OBSERVING THAT, IF THE EXAMINATION IS UNSUCCESSFUL (AS JENNIFER AND HER SUPPORTERS ANTICIPATE), THEN THEY WILL CALL A PRESS CONFERENCE AND READ OUT THE NAMES OF THOSE ARMY OFFICERS LISTED IN THE OAS BRIEF. HE SAID THAT THIS MIGHT INCREASE THE THREAT LEVEL TO JENNIFER AND HER SUPPORTERS, AND PROMISED TO COORDINATE SECURITY

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/28/95  
Case ID: 95122205

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VDOS 000701



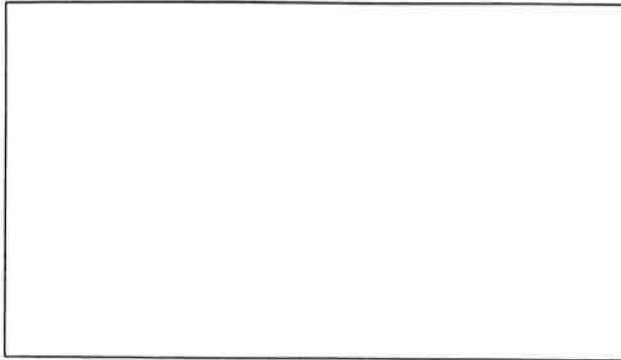
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INCOMING

DEPARTMENT OF STATE  
ARA/NEA REARCS

PAGE 02 OF 02 GUATEL 10212 00 OF 02 092321Z 021230 5013505  
REQUIREMENTS CLOSELY WITH THE EMBASSY.



B1,B5

END COMMENT

MCAFE

CONFIDENTIAL  
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VDOS 000702

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INITIALS

APPR: DLG

DRAFT: DLG

OTHER: S/S

OTHER: S/S-0

OTHER:

OTHER:

OTHER:

SECRET

P:PSTAFF:PAM  
11/10/94, 7-1598, PSTAFF 7150  
P:DLGOLDWYN

S/S:

S/S-0:

P ONLY, NOT FOR ADS

NIACT IMMEDIATE DOHA

S/S-IRM/SD  
Multiple/Active  
Posts Offices

RELEASED IN PART  
B1,A5  
NON-RESPONSIVE

MODIS DECAPTIONED

EYES ONLY FOR U/S TARNOFF AND DAVID HALE FROM D. GOLDWYN

E.O. 12356: DECL:OADR

TAGS: OVIP {TARNOFF, PETER}, AMGT

SUBJECT: DAILY ACTIVITY REPORT FOR NOVEMBER 10, 1994  
- TOPOL NUMBER:

1. SECRET - ENTIRE TEXT.
2. ACTION ITEM - SEE PARA 23.
3. TALKING POINTS ON IRAQI COMPLIANCE WITH UNSC RESOLUTIONS:

NR

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 951222C6

SECRET

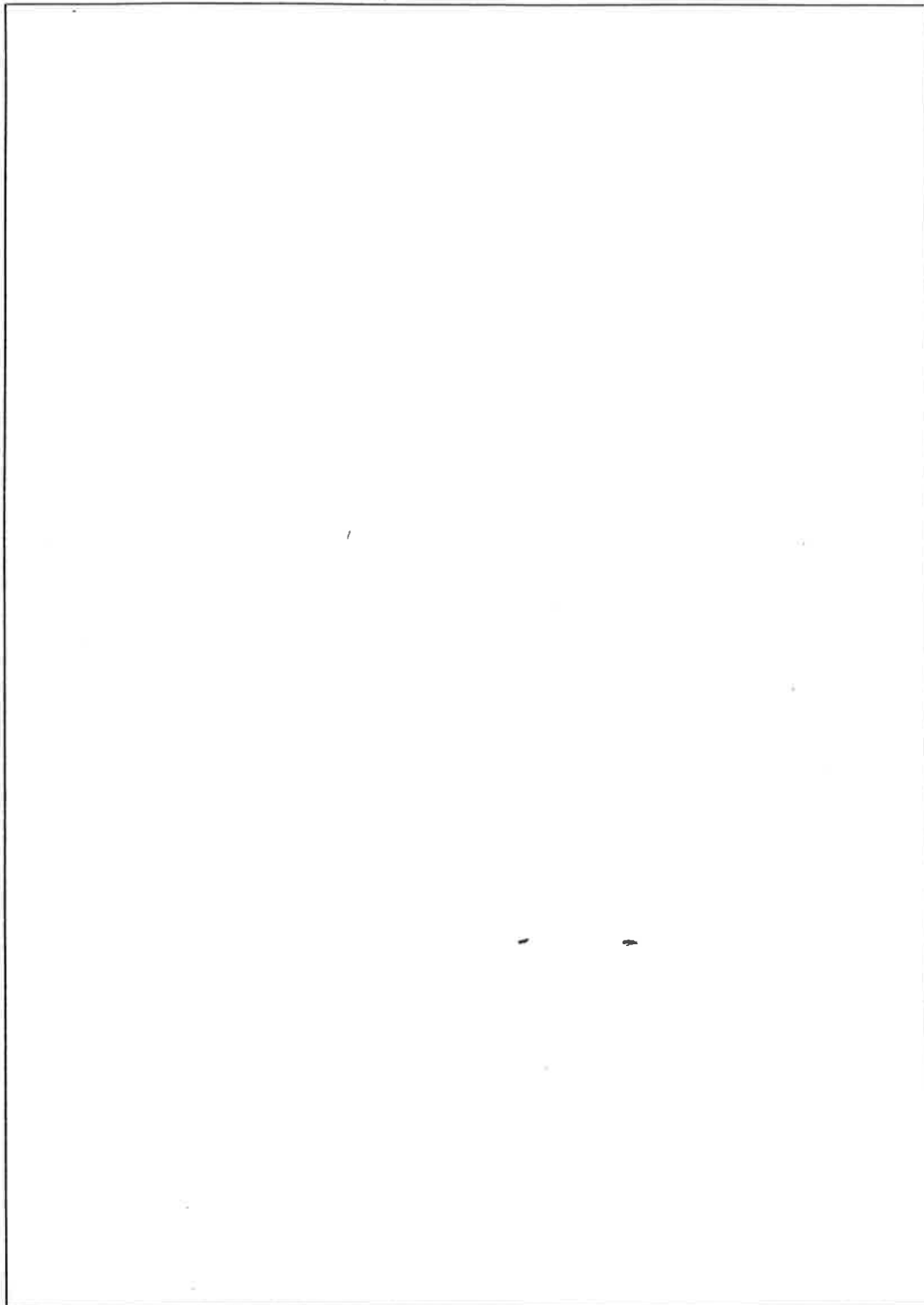
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VDOS 000761

**SECRET**

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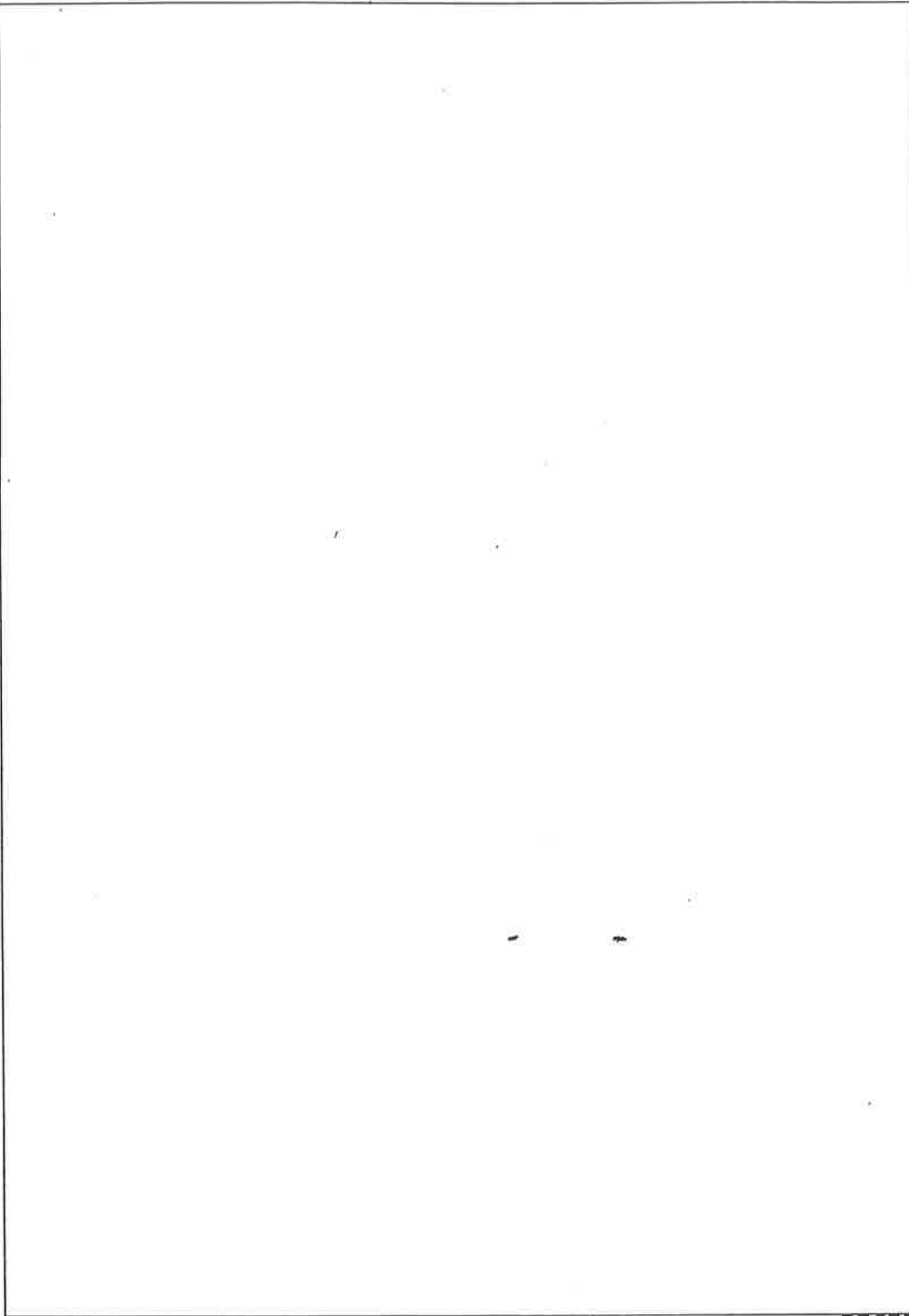
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3



NR

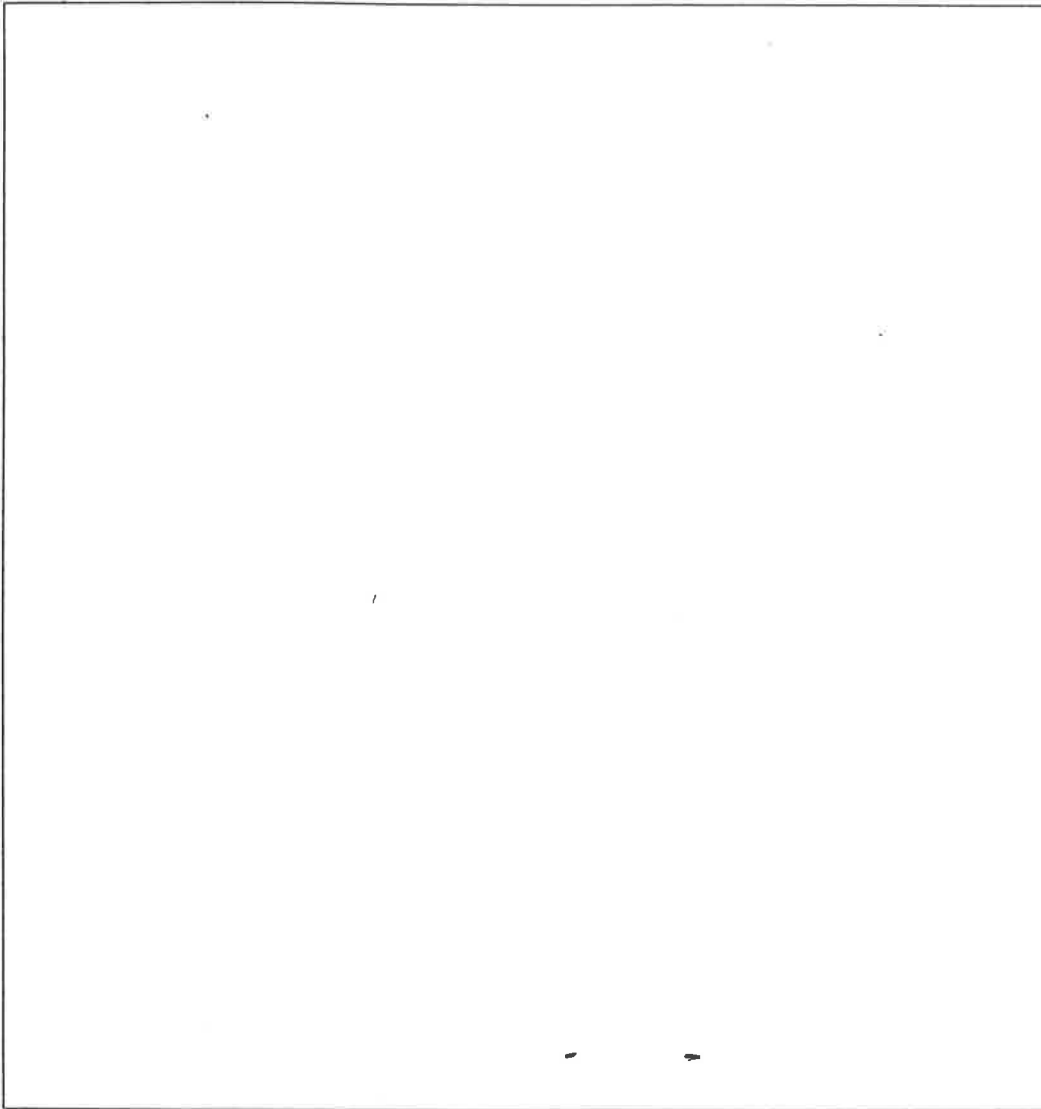
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NR

14. GUATEMALA:



B1

HARBURY, NOW IN HER 30TH DAY OF THE HUNGER STRIKE, IS ON THE BRINK OF CAUSING HERSELF PERMANENT PHYSICAL DAMAGE, BUT REMAINS DETERMINED TO PERSIST.

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**SECRET**

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**B1**

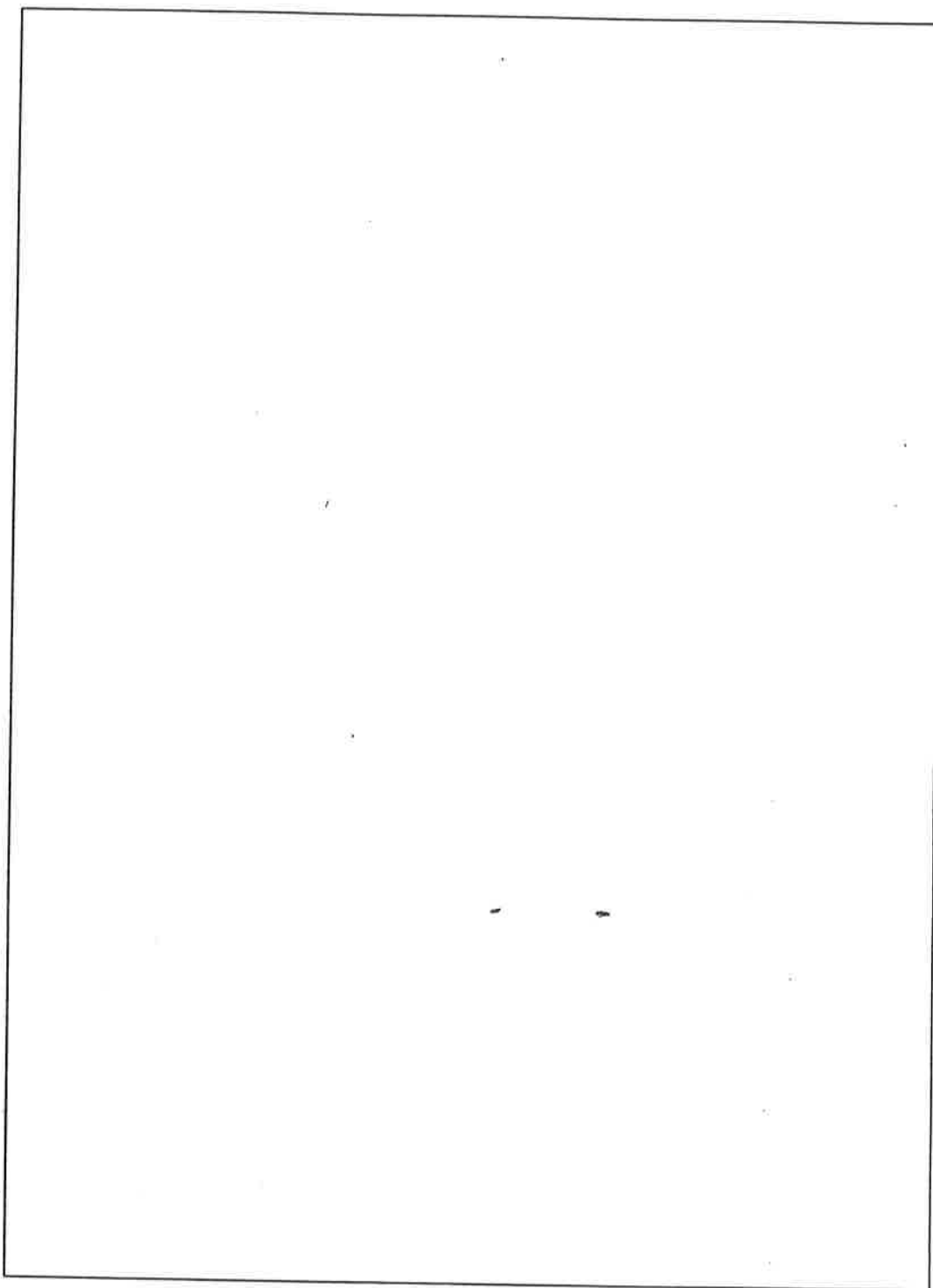
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**0005 000765**

SECRET

6



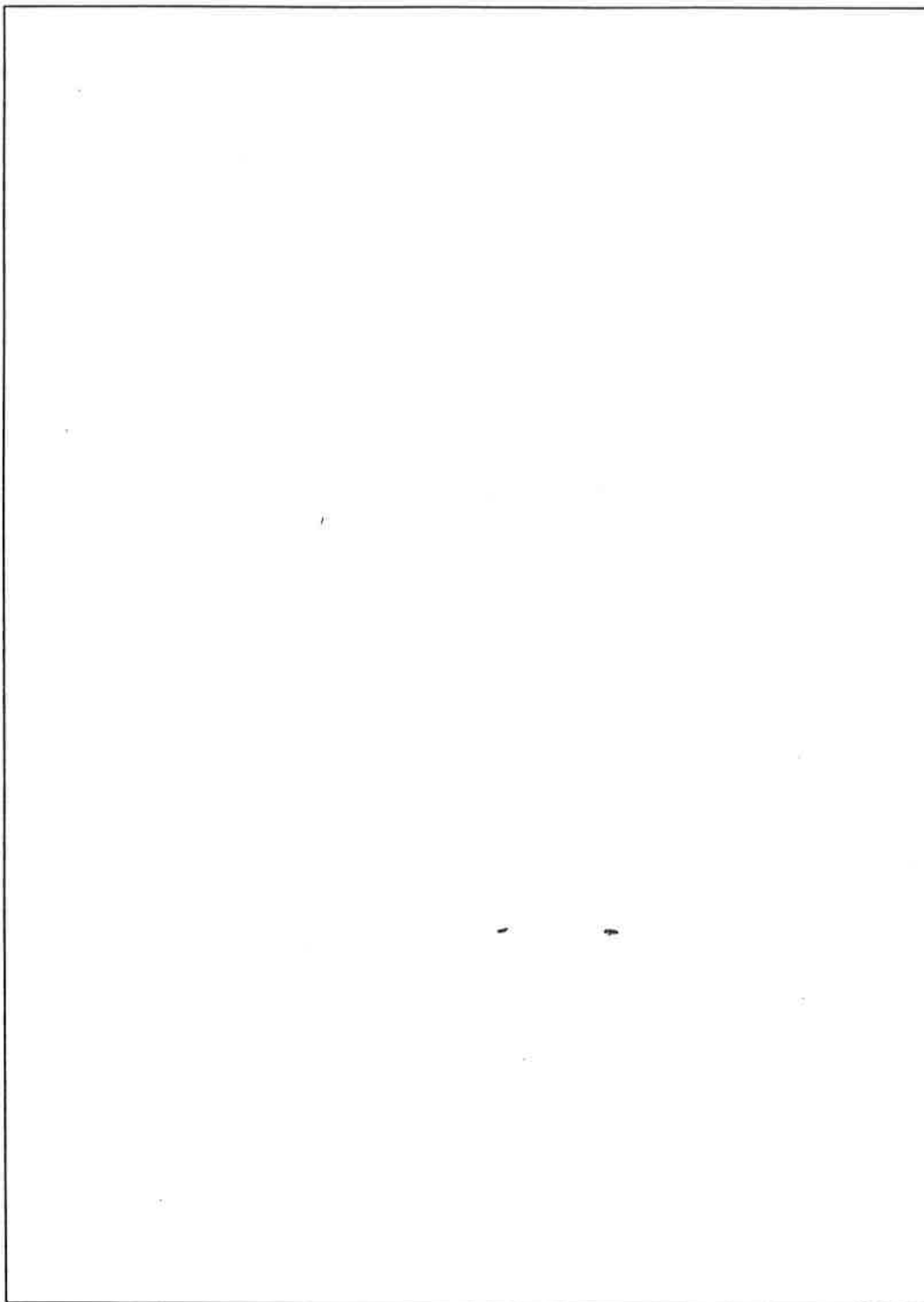
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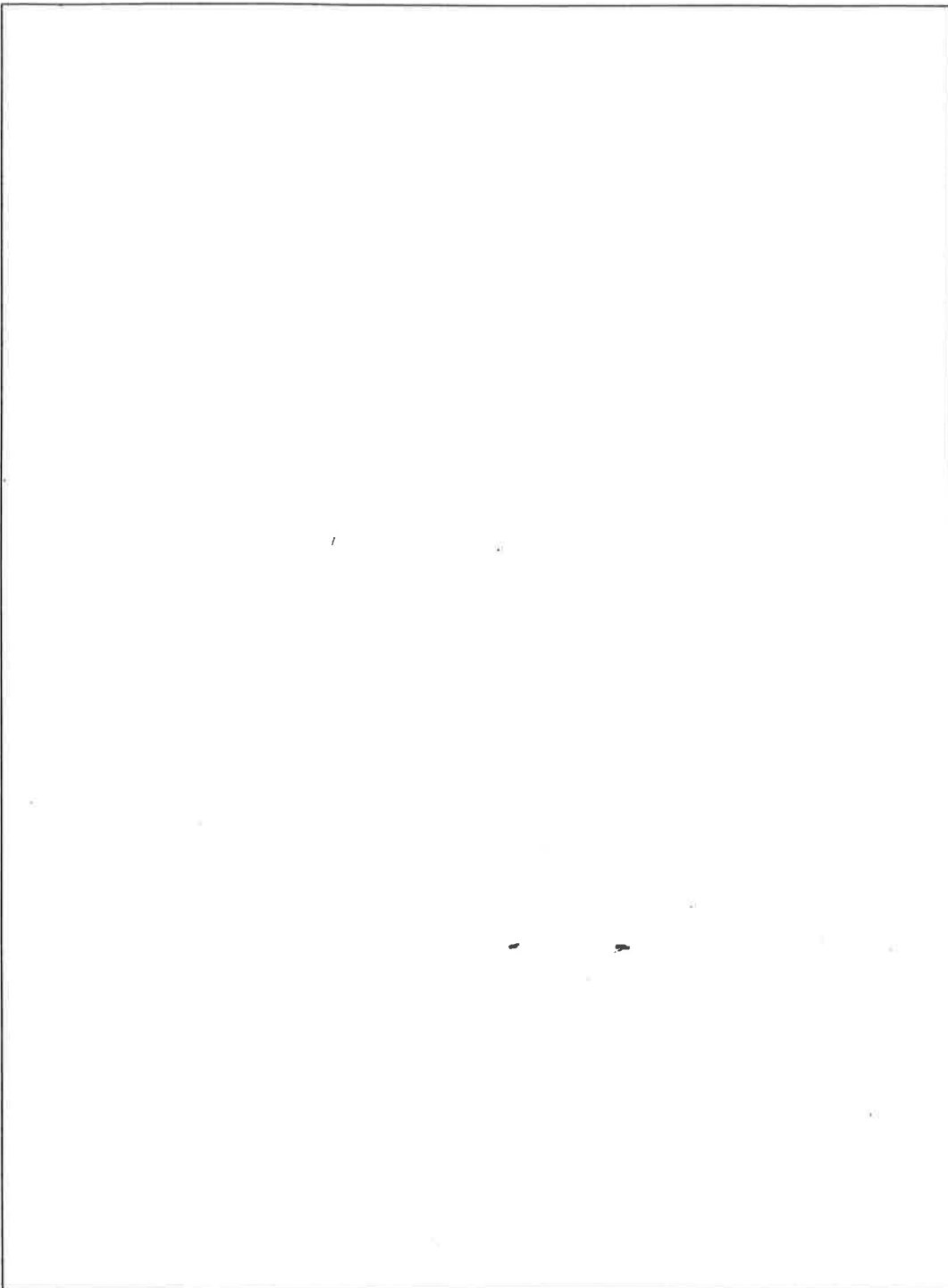
SECRET

U D O S 000767



SECRET

8



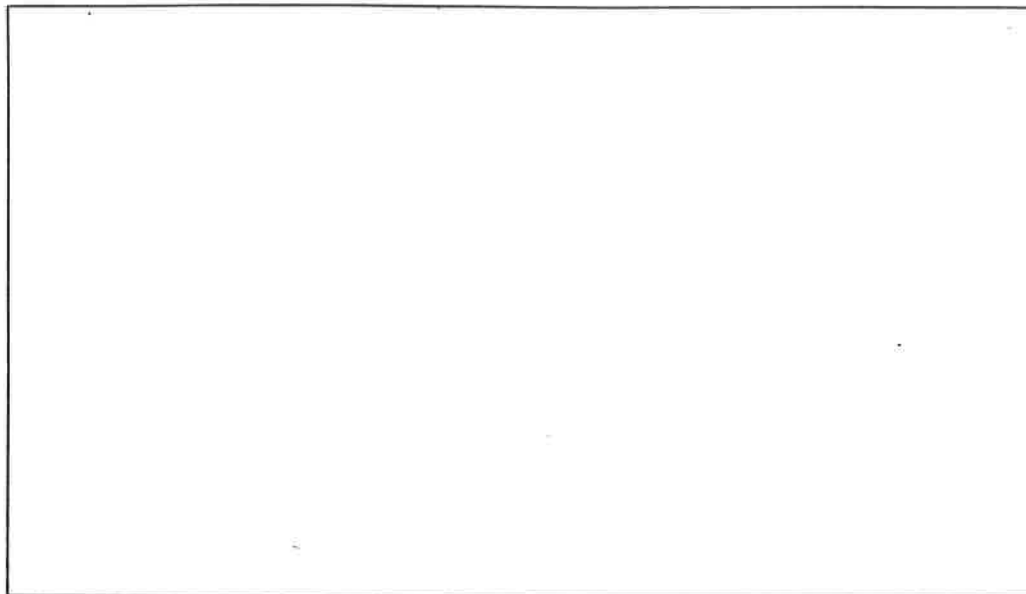
NR

SECRET

U D O S 000768

**SECRET**

**9**



**NR**

**SECRET**

**VDOS 000769**

# Answer time in Guatemala

In the end, U.S. lawyer Jennifer Harbury's perseverance paid off. The Guatemalan government finally has ordered a full probe into the disappearance of her guerrilla husband, Efraim Bamaca. Born

in New England and graduated from Harvard Law School, Ms. Harbury had fasted for a month in Guatemala City to draw attention to her husband's case.

Guatemalan authorities say that Mr. Bamaca, also known as Comandante Everardo, killed himself to avoid capture after he was wounded in battle in 1992. But Ms. Harbury doesn't buy it. Neither do some witnesses who later claimed to have seen him alive.

Ms. Harbury met the guerrilla leader as she was writing a book on Guatemala in 1991. Given the lack of enthusiasm with which Guatemalan authorities previously pursued the case, it's not surprising that Ms. Harbury should have doubted their version of it.

In August 1993, military officials showed Ms. Harbury another person's remains, claiming that they were her husband's. Then last week Santiago Lopez, a former member of Mr. Bamaca's guerrilla force, testified in Washington before the Inter-American Commission on Human Rights that he had seen the rebel leader alive in a "clandestine prison" maintained by the army. Mr. Lopez says that he himself escaped from

## BRUTALITY INVESTIGATED Guatemala may shed light on claims of brutality against its own people — and against Americans.

that prison.

Guatemala's President Ramiro de Leon Carpio's fragile administration is threatened by military bosses, guerrilla warfare, and corruption. So it's no wonder that he was at first reluctant to question the military's version of Mr. Bamaca's disappearance. Facing growing pressure from human rights groups and the media in Guatemala and the United States, however, Mr. de Leon Carpio recently established a select commission to "investigate and elucidate" the Bamaca affair.

The importance of this case transcends one rebel leader's fate. The fresh probe gives Guatemala another chance to show that it is ready to accept the discipline of democratic government, and that it will answer candidly the accusation that its military holds captured rebels in clandestine prisons. The investigation will also test Mr. de Leon Carpio's resolve in dealing with military officers who believe that they're above the law.

Just as significantly, the case sheds new light on other Americans' testimony that they, too, were abused by Guatemalan security forces. Washington thus has much more than an academic interest in seeing that the Guatemalan government conducts a thorough investigation — not just of Bamaca's disappearance but of other unresolved cases involving Americans as well.

Guatemala  
ARA 2+3  
Press clips

THE NEW YORK TIMES OP-ED FRIDAY, NOVEMBER 11, 1994

# The Death Squads Have My Husband

Jennifer Harbury, a lawyer from Washington, has been on a hunger strike since Oct. 11 to press for information about her missing husband, a Guatemalan rebel leader. The Guatemalan Government says he killed himself after a firefight in March 1992, but other guerrillas reported seeing him alive in prison months later. Yesterday the authorities took her in a cemetery in the remote town of Coatepeque, but she reported last night that neither of two bodies exhumed at the site were her husband. She wrote this article before setting out.

By Jennifer Harbury

**A**FTER a month of my hunger strike here in front of Guatemala's National Palace, I am thinking of many things. I think, of course, of my husband, Efraim Bamaca Velásquez, and of what he must be suffering in his secret torture cell. I think, too, of my 10-year involvement with Guatemala, with the people I so love, and of the army that has long been branded one of the

worst human rights violators in the Western Hemisphere. I think of the Guatemalans who continue to die.

The socioeconomic structure here is very like South Africa's under apartheid. The Mayans, brutally conquered by Spanish murderers, remain the majority of the population, clinging to their ancestral languages, customs and religions. Yet for all practical purposes they are a dispossessed minority, reduced to serfdom, often working the plantations of the ultra-rich. Eighty percent are illiterate. They suffer from malnutrition and one of the hemisphere's highest infant mortality rates.

My husband comes from a long line of Mayan rebel leaders. As in all the uprisings that preceded the present 35-year war in Guatemala, the authorities have responded with chilling brutality.

In the past 15 years, more than 150,000 civilians have been assassinated or "disappeared" at the hands of the officially sponsored death squads. No fewer than 400 Mayan villages have been wiped from the map, and hundreds of thousands of villagers have been driven into exile in neighboring countries. Yet this

genocidal war has scarcely been noted in the rest of the world.

New the Government and the Guatemalan National Revolutionary Union have entered peace talks, and there is wide applause at the prospect that Latin America's longest civil war is finally coming to an end. But is it? In March, the Government and guerrillas signed a human rights accord as part of the peace process. Since then, human rights violations in Guatemala have skyrocketed. The

## An American's hunger strike in Guatemala.

killing continues relentlessly, and my friends live under the constant pressure of death threats.

My husband's case is a chilling example. Under the accord, it should have been turned over to the human rights office. The evidence in this case is clear and complete. There have been orders from the Organiza-

tion of American States, denunciations from the United Nations, a Congressional resolution and endless protests from human rights organizations. But the army still has my husband, and it knows that the outside world knows.

The army is testing us. Will the international community insist he be treated legally, or will it allow his torture and assassination to pass, as it has allowed the other 150,000 murders to go unnoticed? If this case is ignored, who will be safe?

For its part, the United States must insist that the Guatemalan Army obey its own peace accord. We must insist that the killings, abductions and torture end at once. To those with real power in Guatemala, the only important issue is money. They think the peace talks guarantee that international aid and investment continue, leaving them free to go on murdering with impunity.

We must turn the tables. We must impose economic and trade sanctions until basic international humanitarian laws are respected. Only when the repression ends can judicial and other democratic institutions grow and flourish. All the officially sponsored death squads need to do is stop pulling the trigger.

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 95122206

E4655C

# BOSTON COLLEGE

885 CENTRE STREET, NEWTON, MA 02159-1163

RELEASED

LAW SCHOOL  
 (617) 552-4330  
 FAX (617) 552-2613

We, members of the Boston College Law School Community, strongly urge the Guatemalan government to release information regarding the whereabouts of Efraín Baracá Velasquez, last seen in the custody of the Guatemalan army and alleged to be undergoing torture at the hands of the Guatemalan government. We support Jennifer Harbury's demand that Baracá, an indigenous commander in the Guatemalan National Revolutionary Unity, be released immediately, charged with an internationally recognized crime, and placed in acknowledged detention; if he is dead, we demand that the Guatemalan government exhume his body and return it to his family.

We also call upon the Guatemalan government to release information regarding the whereabouts of thirty-five other combatant and non-combatant prisoners who may be in clandestine detention and experiencing torture.

By such actions, the Guatemalan government will be enforcing international human rights agreements, which require countries to account for their missing combatants and bring combatants to justice through public legal systems rather than secret torture camps.

<i>[Signature]</i>	<i>Ray D. Madson</i>
<i>Andrew Goodman</i>	<i>Christine F. Edwards</i>
<i>Robert [unclear]</i>	<i>[unclear]</i>
<i>Carol Appleby</i>	<i>Jo. H. [unclear]</i>
<i>James B. [unclear]</i>	<i>Daniel H. Hampton</i>
<i>[unclear]</i>	<i>Walter A. Taylor</i>
<i>John J. Mallon</i>	<i>Howard [unclear]</i>
<i>Joe [unclear]</i>	<i>[unclear]</i>
<i>Barbara [unclear]</i>	<i>Michael [unclear]</i>
<i>John [unclear]</i>	<i>[unclear]</i>
<i>R. Lee [unclear]</i>	<i>Manu [unclear]</i>
<i>Don [unclear]</i>	<i>[unclear]</i>
	<i>[unclear]</i>

United States Department of State  
 Office of FOI, Privacy, & Classification Review  
 Review Authority: MOSKOWITZ, SAM  
 Date: 08/29/96  
 Case ID: 951222C6

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# BOSTON COLLEGE

885 CENTRE STREET, NEWTON, MA 02159-1163

LAW SCHOOL  
(617) 552-8550  
FAX (617) 552-2615

We, faculty and staff of the Boston College Law School Community, strongly urge the Guatemalan government to release information regarding the whereabouts of Efraín Barrios Velásquez, last seen in the custody of the Guatemalan army and alleged to be undergoing torture at the hands of the Guatemalan government. We support Jennifer Harbury's demand that Barrios, an indigenous commander in the Guatemalan National Revolutionary Unity, be released immediately, charged with an internationally recognized crime, and placed in acknowledged detention; if he is dead, we demand that the Guatemalan government exhume his body and return it to his family.

We also call upon the Guatemalan government to release information regarding the whereabouts of thirty-five other combatant and non-combatant prisoners who may be in clandestine detention and experiencing torture.

By such actions, the Guatemalan government will be enforcing international human rights agreements, which require countries to account for their missing combatants and bring combatants to justice through public legal systems rather than secret torture camps.

*Catherine M. ...*

*W. B. ...*

*Jan ...*

*Chad ...*

*Michael ...*

*Ed ...*

*W. L. ...*

*Roger ...*

*John ...*

*Jan ...*

*Susan ...*

*Zygmunt ...*

*Mark ...*

0005 000789

penales contra los oficiales culpables de estos delitos contra mi esposo. Solo cuando rompamos la impunidad sera posible una verdadera paz en Guatemala.

Ahorita voy a dar los nombres de los oficiales militares implicados por Santiago Cabrera Lopez en el caso de mi esposo.

- (1) Coronel Julio Alpirez, del ejercito de la Republica de Guatemala;
- (2) Mayor Soto, del ejercito de la Republica de Guatemala;
- (3) G-2 Especialista Rene Jimenez Rosales, del ejercito de la Republica de Guatemala;
- (4) Mayor Mario Sosa Orellana, del ejercito de la Republica de Guatemala;
- (5) G-2 Especialista, Simeon Cum Chuta, del ejercito de la Republica de Guatemala;
- (6) G-2 Especialista Juan Jose Orozco Giron, del ejercito de la Republica de Guatemala;
- (7) Capitan Laco, del ejercito de la Republica de Guatemala;
- (8) G-2 Especialista Gualip, del ejercito de la Republica de Guatemala.

Segun Santiago Cabrera Lopez en testimonio presentado ante la OEA hace 18 meses, algunos de estos oficiales capturaron a Everardo, y todos ocultaron el delito desde el 12 de marzo, 1992. Es mi objetivo pedir cargos penales contra todos estos oficiales.

Finalmente, porque yo se que el Ministro de Defensa General Mario Enriquez conoce bien la situacion de mi esposo, tambien pedire cargos contra el por secuestro, omision de denuncia y obstruccion de justicia.

Otra vez, saludo con todo respecto y admiracion al pueblo de Guatemala con mis grandes esperanzas por una verdadera paz.

VDOS 000790

RELEASED IN PART

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ELL 58

## Mather Construction

General Contractor  
Lic. #403172

Building Inspector  
Cert. #27808

Construction Arbitrator  
Member of American Arbitration Association Panel

November 11th, 1994

Mr. Richard Nuccio  
Guatemalan Peace Representative  
United States State Department  
Fax: 202-647-0791

ARA Front Office  
R Nuccio  
Guatemala Jennifer Harbury  
10/11/94 Faxes Received  
ARA 103

Ref: Harbury-Bamaca / Guatemala Government.

Dear Sir:

This is a difficult letter. I am not a human rights activist. I have been asked by my high-school headmaster to contact you concerning Jennifer Harbury, an old schoolmate.

Although it appears that Jennifer has chosen to place herself in her current situation, I feel that we still have the responsibility to be part of the solution not part of the problem.

The State Department argues that the process of development should not be held hostage to individual cases. This line of logic may be solid for acts of terrorism, but in Jennifer's case the logic is weak and it never relieve us of the obligation of doing the best we can. Are you as an individual doing the best that you can?

I would like to pass on a truism that was given to me.  
"Happiness is the by-product of doing what is right".

Sincerely:



Randolph Mather

B6

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 95122206

UDDS 000791

FILE

E4462

## STATEMENT FROM JENNIFER HARBURY

RELEASED

11 of November, 1994

Guatemala City

I would like to begin my remarks with a strong affirmation of my admiration for and solidarity with the people of Guatemala. My experience here in the Central Plaza has strengthened even more my respect and appreciation for their courage, their idealism, their love, and their culture, which is so beautiful and special. Also, I want to express my strong thanks for all their support in this very difficult phase—their flowers, hugs, poems, words, and prayers. I will never forget them.

I have had to think a lot about what the best way is to continue fighting for the life of my husband, Efraín Bámaca Velásquez (Comandante Everardo, of the URNG). Obviously the investigations conducted by the Procurator's Office and the Attorney General have been useless, although they have interrogated me quite a bit about my marriage, my immigration status, and my relation to the URNG, and have brought my husband's relatives to the capital, in spite of the fact that they have not seen him for nearly twenty years. They have also scheduled exhumations of graves, although the judicial files clearly show that the graves do not contain the body of my husband. Meanwhile, the military officials who have captured and tortured Everardo have not even been questioned; their names were given to the government of Guatemala by the OAS more than eighteen months ago.

I respect the decision of the Guatemalan Supreme Court to put the Human Rights Procurator in charge of the investigation. I hope for some positive results in the next thirty days (the period in which the Court has requested the results of the investigation). I will cooperate fully with them.

In any case, I have always insisted that I will not stop my hunger strike simply for an investigation. This case has been fully investigated in the past eighteen months by the OAS. It has also been presented to the UN. It is included in a U.S. congressional and Senate resolution, and it has been strongly denounced by the most important international human rights organizations.

Now I enter a new phase of the struggle for my husband's life. Not only have I recently received news that high-level officials in the White House want to talk to me about my husband, but also I have the right in thirty days to file criminal charges against the army officers implicated by Santiago Cabrera López in the abduction, clandestine and illegal detention, torture and abuse of my husband. Therefore, I have decided to stop my hunger strike today, return to Washington to meet with high-level White House officials, and return to Guatemala to insist that criminal charges be brought against the officers guilty of these crimes against my husband. Only when impunity is broken will true peace be possible in Guatemala.

NEWS STORES

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 951222C7

1995  
GUATEMALA  
ARA 3

VDOS 000803 -



Now I am going to give the names of the military officers implicated by Santiago Cabrera López in my husband's case.

- 1) Colonel Julio Alpirez, of the Army of the Republic of Guatemala;
- 2) Mayor Soto, of the Army of the Republic of Guatemala;
- 3) G-2 Specialist René Jiménez Rosales, of the Army of the Republic of Guatemala;
- 4) Major Mario Sosa Orellana, of the Army of the Republic of Guatemala;
- 5) G-2 Specialist Simeon Cum Chuta, of the Army of the Republic of Guatemala;
- 6) G-2 Specialist Juan José Orozco Girón, of the Army of the Republic of Guatemala;
- 7) Capitan Laco, of the army of the Republic of Guatemala;
- 8) G-2 Specialist Gualip, of the Army of the Republic of Guatemala.

According to Santiago Cabrera López in testimony presented to the OAS eighteen months ago, some of these officials captured Everardo and all have covered up the crime since March 12, 1992. It is my intention to request criminal charges against all these officers.

Finally, because I know that Minister of Defense General Mario Enriquez knows my husband's situation very well, I will also request criminal charges against him for abduction, failure to report a crime, and obstruction of justice.

Once again, I give my regards to the Guatemalan people, with all respect and admiration, with great hopes for a true peace.

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--2--

Monday, 11/14/94

PRESS Harbury  
Guidance Media  
Race - ARA/CEN  
Guatemala  
Reg Williams  
2 of 3

DEPARTMENT OF STATE  
DAILY PRESS BRIEFING

DPC #161

MONDAY, NOVEMBER 14, 1994, 1:09 P. M.  
(ON THE RECORD UNLESS OTHERWISE NOTED)

MS. SHELLY: Good afternoon, ladies and gentlemen. Welcome to the State Department's Daily Press Briefing. I don't have any announcements, so let's go directly to your questions.

Q Do you have anything on contacts between the U.S. officials and the American hunger-striker who is up here for talks?

MS. SHELLY: Jennifer Harbury.

Q Yes.

MS. SHELLY: Yes, I've got a little bit of information on that. I can bring you up to date.

Jennifer Harbury announced on November 11 that she was ending her hunger strike. She returned to the United States over the weekend. In a statement she said that she would be returning to Guatemala in the near future to file criminal charges against the military personnel who she claimed were involved in the capture, detention and torture of her husband, Efraim Bamaca, also known as Commandante Everardo.

The Guatemalan Supreme Court has ordered a new investigation under the primary responsibility of the human rights ombudsman, assisted by the Solicitor General and the Chief Public Prosecutor. President De Leon has stated that the U.N. Human Rights Verification Mission can also play a constructive role. The Supreme Court has asked that an investigation be completed in 30 days.

In terms of meetings that she might have here, at the request of Congressman Sam Gejdenson, the Vice President's National Security Adviser, Leon Faurth, has agreed to meet with Jennifer Harbury's attorney. But I'm told that that meeting hasn't yet been scheduled. We are unaware of any other government appointments, but, of course, we'd be willing to meet with her here at the State Department.

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Monday, 11/14/94

Q She says, I believe, that the U.S. had evidence back in '92 that her husband was still alive after the March '92 firefight. Can you confirm that?

MS. SHELLY: What I understand to be the case is based on all of the information available to us -- and this, of course, comes from a wide variety of sources -- we have concluded that Efrain Bamaca was taken captive by the army in March of 1992.

We believe that he had been wounded but that his injuries were not believed to be life threatening. We have no information to indicate that he was alive much beyond the first few weeks after his capture. But in our efforts to try to get a better accounting and information on this, we, of course, have always proceeded on the assumption that he could be alive, and that has been a governing factor for us in terms of trying to get information about the case.

Q I have a handout here from the Jerusalem Report, and it's saying it in its current issue, which is coming out in a couple days, I guess -- is that the United States has taken an unprecedented step towards recognizing Jerusalem as Israel's capital. And it says further that the United States has signed an agreement to develop a site in Jerusalem "for diplomatic use" with a residence for "the most senior U.S. diplomat." The Allenby camp site near Taipot in south Jerusalem is expected to replace the Embassy that is currently in Tel Aviv when building is completed in 1999. The relocation of the Embassy will coincide with the scheduled final agreement between Israel and the United States and a permanent status of the West Bank, Gaza and East Jerusalem.

I was wondering whether any part of that -- what can you say about this?

MS. SHELLY: Actually, we expected we might get that question about a week or so ago, and we had guidance in the Press Office on it. But what I'm going to have to do -- because I don't have anything with me on that -- is to refer you to the Press Office.

I know we worked up some guidance in response to another report on the same subject.

Q I don't know what the guidance has. It may bring about additional questions. So can you fill us in as to whether or not any part of this is correct that there is an agreement that the United States will build a building in Taipot, or wherever in Jerusalem, to serve or accommodate the most senior U.S. diplomat, whatever that might mean?

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-4-

Monday, 11/14/94

MS. SHELLY: I think what I'm going to have to ask you to do. The issue of Jerusalem, of course, being a very sensitive one, this is just not one that lends itself to trying to do it off the cuff from memory. I'm still going to have to ask you to go back to the Press Office and have them give you what information we do have that relates to sites and possible plans for construction.

On the more general point, there is not any change in our policy on this score. But again the issue had come up in another context. About one or two weeks ago, I think we did work up guidance on it at that time. So if you could look and see what we have to say on that and, if that doesn't sufficiently answer your questions, we'll take another stab at it.

Q Would you excuse me while I go and check with the Press Office?

MS. SHELLY: By all means. (Laughter) Is this equivalent to a filing break?

Q Do you remember what it is that occasioned the press guidance to be -- what report occasioned --

MS. SHELLY: I believe there was a press report also that related to construction -- future construction plans and sites and options and things.

Q (Inaudible)

MS. SHELLY: As I said, I don't have this with me at this point, and I don't want to just come in and do this cold. It was something that we had looked into, as I said, a short while ago, but there is guidance.

Q Did they get it?

MS. SHELLY: Yes. But again I don't want to -- I would want a little more time. I'm happy to come back to that later in the week, if you wouldn't mind looking at what we have first, and then I'll come back to it later in the week. But again there are a lot of sensitivities related to this, and I want to bring myself up to speed before I would engage any further beyond the guidances that we do have available to you.

Q Can I return to Jennifer Harbury for a moment.

MS. SHELLY: sure.

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# UNCLASSIFIED

-5-

Monday, 11.

Q There are no meetings scheduled presently the State Department or with any State Department official.

MS. SHELLY: There are not any meetings scheduled yet. My understanding is she just returned to Washington over the weekend, and I assumed that we are likely to be hearing from her and I certainly would reiterate our willingness to meet with her. I can't tell you at this point what level that would be. But certainly as the week unfolds, I expect we'll have more information on that.

Q Can you update us on the situation in the U.S. Embassy in Jakarta concerning the East Timorese that occupied the compound there?

MS. SHELLY: Unfortunately, on that one I can't help you very much because, as you know, the President and the Secretary are traveling, and we have a pretty clear understanding about division of labor between their party and what we're working back here.

Let me do that as a taken question and see what we could provide for you in a printed way after the briefing. I don't have anything with me at this moment, and I'd have to check and see what the latest information is before I could answer the question. But let me do that as a taken question.

Q Do you have anything on what's happening or not happening with regard to the Angolan peace accord, and what Assistant Secretary Moose is doing in the region?

MS. SHELLY: I had a little bit of information on that. First of all, as I think you're probably aware, the signing of the Lusaka Protocol will not take place as had originally been scheduled on November 15. It's been postponed. We hope it's just going to be a short postponement.

We understand that a UNITA delegation has arrived in Lusaka, and that the military talks were to begin today. The immediate priorities are to arrange a mutual ceasefire and signature of the Lusaka Protocol within the next couple of days.

We view the cessation of hostilities now as vital to the success of the peace process overall.

Assistant Secretary George Moose traveled to Angola this weekend to work for an immediate ceasefire and to try to achieve as soon as possible the signature of the Lusaka Protocol. He already met with Angolan President Dos Santos, and he's traveling to Lusaka. U.S. Special Representative

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RELEASED

E4687A

Subject: Information for Jennifer Harbury

Ref: State 302742

1. Secret - entire text.
2. Following her meeting with President de Leon, as instructed ref, ambassador should at early opportunity convey the following to jennifer harbury:
  - Based on all the information now available to us, from a variety of sources, we have concluded that efrain bamaca was taken captive by the army in march 1992. he had been wounded, but his injuries were not believed to be life-threatening.
  - we have no information to indicate that he was alive much beyond the first few weeks after his capture. //
  - I have informed president de leon of this and we are attempting to develop further information for him.
3. Ref is amended to add the second tic in para 2, above, ("we have no information...") in the points to be made to President de Leon. This should be a new, second tic in the points to the President. Ambassador may tell the President that she will also be speaking to Harbury.

//

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 961222C7

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UDOS 000851

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E4692A

GUATEMALA: HARBURY/BAMACA CASE

RELEASED

Q: Do you have any comments on the "60 Minutes" story on the hunger strike of American citizen Jennifer Harbury in Guatemala and the investigation into her husband's disappearance?

A: WE HAVE PROVIDED AND CONTINUE TO PROVIDE JENNIFER HARBURY WITH EXTENSIVE ASSISTANCE IN HER SEARCH FOR INFORMATION ABOUT HER HUSBAND, GUATEMALAN GUERRILLA LEADER EFRAIN BAMACA, SINCE SHE REQUESTED OUR HELP IN MARCH 1993.

IN ADDITION TO RAISING THE BAMACA CASE WITH THE GUATEMALAN GOVERNMENT AS SOON AS WE KNEW OF IT, OUR EMBASSY IN GUATEMALA CITY HAS REPEATEDLY ENCOURAGED GUATEMALAN OFFICIALS TO MEET AND COOPERATE WITH MS. HARBURY.

WE FACILITATED THE EXHUMATION OF A GRAVE IN AUGUST 1993, TO DETERMINE IF IT CONTAINED HER HUSBAND'S REMAINS, AND AN EMBASSY OFFICER ACCOMPANIED MS. HARBURY AS A WITNESS TO THE EXHUMATION. THOSE REMAINS WERE IDENTIFIED AS NOT BELONGING TO HER HUSBAND.

SENIOR OFFICIALS OF THE STATE DEPARTMENT -- THE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR, A DEPUTY ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, AND THE U.S. AMBASSADOR TO THE UN HUMAN RIGHTS COMMISSION -- HAVE EACH MET ONE OR MORE TIMES WITH MS. HARBURY. ADDITIONALLY, AMBASSADOR MCAFEE HAS MET SOME TEN OR MORE TIMES WITH MS. HARBURY.

(MORE)

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 951222C7

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WE HAVE REPEATEDLY RAISED OUR CONCERNS ABOUT THIS CASE DIRECTLY WITH SENIOR GUATEMALAN OFFICIALS INCLUDING, AMONG OTHERS, THE PRESIDENT, THE MINISTER OF DEFENSE, THE MINISTER OF FOREIGN AFFAIRS, THE ATTORNEY GENERAL, AND THE GUATEMALAN AMBASSADOR HERE IN WASHINGTON.

SINCE MS. HARBURY BEGAN HER HUNGER STRIKE ON OCTOBER 11, AMBASSADOR MCAFEE HAS MET WITH HER PERSONALLY ON AT LEAST SEVEN OCCASIONS. EMBASSY OFFICERS VISIT MS. HARBURY DAILY, AND WE HAVE MADE CLEAR TO THE GUATEMALAN GOVERNMENT THAT THE UNITED STATES EXPECTS THAT GOVERNMENT TO ENSURE HER PHYSICAL SECURITY.

WE WELCOME PRESIDENT DE LEON'S OCTOBER 27 ANNOUNCEMENT OF A SPECIAL INVESTIGATION OF THE BAMACA CASE, HIS NAMING OF A COORDINATOR TO HEAD THE INVESTIGATION, AND THE ISSUANCE OF A NEW WRIT OF HABEAS CORPUS. WE HOPE THAT THESE MEASURES WILL LEAD TO THE RESOLUTION OF THIS CASE.

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E4693

GUATEMALA: JENNIFER HARBURY

RELEASED

Q. Can you give us an update on the Harbury hunger strike?

A. JENNIFER HARBURY ANNOUNCED NOVEMBER 11 THAT SHE WAS ENDING HER HUNGER STRIKE. SHE RETURNED TO THE U.S. OVER THE WEEKEND.

IN A STATEMENT, SHE SAID SHE WOULD BE RETURNING TO GUATEMALA IN THE NEAR FUTURE TO FILE CRIMINAL CHARGES AGAINST MILITARY PERSONNEL WHO SHE CLAIMED WERE INVOLVED WITH THE CAPTURE, DETENTION, AND TORTURE OF HER HUSBAND (EFRAIN BAMACA, AKA COMANDANTE EVERARDO).

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 951222C7

THE GUATEMALAN SUPREME COURT HAS ORDERED A NEW INVESTIGATION UNDER THE PRIMARY RESPONSIBILITY OF THE HUMAN RIGHTS OMBUDSMAN, ASSISTED BY THE SOLICITOR GENERAL AND THE CHIEF PUBLIC PROSECUTOR. PRESIDENT DE LEON HAS

PRESS STATEMENT  
1994

GUATEMALA  
ARA 3

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**UNCLASSIFIED**  
STATED THAT THE UN HUMAN RIGHTS  
VERIFICATION MISSION (MINUGUA) CAN ALSO  
PLAY A CONSTRUCTIVE ROLE. THE SUPREME  
COURT HAS ASKED THAT THE INVESTIGATION  
BE COMPLETED IN 30 DAYS.

**UNCLASSIFIED**

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## UNCLASSIFIED

**Q. What meetings does Jennifer Harbury have scheduled at the White House? At the Department?**

**A. AT THE REQUEST OF CONGRESSMAN SAM GEJDENSON, THE VICE PRESIDENT'S NATIONAL SECURITY ADVISOR, LEON FEURTH, HAS AGREED TO MEET WITH JENNIFER HARBURY'S ATTORNEY, BUT THAT MEETING HAS NOT YET BEEN SCHEDULED. WE ARE UNAWARE OF ANY OTHER GOVERNMENT APPOINTMENTS, BUT OF COURSE WOULD BE WILLING TO MEET WITH HER HERE AT THE STATE DEPARTMENT.**

**Q. What is the Department's opinion about Bamaca's fate?**

**A. BASED ON ALL THE INFORMATION AVAILABLE TO US, FROM A VARIETY OF SOURCES, WE HAVE CONCLUDED THAT EFRAIN BAMACA WAS TAKEN CAPTIVE BY THE ARMY IN MARCH 1992. HE HAD BEEN WOUNDED, BUT HIS INJURIES WERE NOT BELIEVED TO BE LIFE-THREATENING.**

## UNCLASSIFIED

**UNCLASSIFIED**  
WE HAVE NO INFORMATION INDICATE THAT  
**UNCLASSIFIED**  
HE WAS ALIVE MUCH BEYOND THE FIRST FEW  
WEEKS AFTER HIS CAPTURE.

**UNCLASSIFIED**

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**UNCLASSIFIED**

**Q. Was Ms. Harbury's decision to stop her hunger strike a result of receiving information from the USG that you believe Bamaca was taken captive, alive, by the Guatemalan Army in 1992?**

**A. NO. MS. HARBURY ANNOUNCED THE END OF HER HUNGER STRIKE SHORTLY BEFORE WE PROVIDED THIS INFORMATION TO HER AND TO THE GUATEMALAN GOVERNMENT, BUT THERE IS NO LINK BETWEEN THE TWO EVENTS.**

**UNCLASSIFIED**

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## UNCLASSIFIED

**Q. Did the State Department conceal information about Ms. Harbury's husband's possible whereabouts from her?**

**A. AS YOU KNOW, WE ARE NOT ABLE TO DISCUSS INTELLIGENCE MATTERS WITH PRIVATE CITIZENS. WITHIN THAT CONSTRAINT, WE HAVE BEEN AS FORTHCOMING AS POSSIBLE WITH MS. HARBURY AND HAVE GONE TO EXTRAORDINARY LENGTHS TO GIVE HER ASSISTANCE.**

**ON NOVEMBER 11TH, WE INFORMED BOTH MS. HARBURY AND THE GUATEMALAN GOVERNMENT THAT, BASED ON ALL THE INFORMATION AVAILABLE TO US FROM A VARIETY OF SOURCES, WE HAVE CONCLUDED THAT EFRAIN BAMACA, ALSO KNOWN AS COMANDANTE EVERARDO, WAS TAKEN CAPTIVE BY THE GUATEMALAN ARMY IN MARCH 1992. HE HAD BEEN WOUNDED, BUT HIS INJURIES WERE NOT BELIEVED TO BE LIFE-THREATENING. WE HAVE NO INFORMATION TO INDICATE THAT HE WAS ALIVE BEYOND THE FIRST FEW WEEKS AFTER HIS CAPTURE.**

**THIS INFORMATION WAS PROVIDED TO THE**  
**UNCLASSIFIED**

U D O S 0 0 0 8 6 7

**GUATEMALAN AUTHORITIES TO ASSIST THEM**  
**UNCLASSIFIED**  
**IN THE RESOLUTION OF THIS CASE.**

**UNCLASSIFIED**

U D O S 000868

SEARACEN8214 11/14/94 UNCLASSIFIED

Drafted: ARA/CEN:HSimon  
Cleared: ARA/CEN:JHamilton  
ARA:APatterson

UNCLASSIFIED

U D D S 000869



IMMEDIATE

# UNCLASSIFIED RELEASED IN PART INCOMING

## DEPARTMENT OF STATE

### ARA/NEA REARCS

### B1,A9

E444

PAGE 01 OF 02 GUATEM 10759 00 OF 03 141451Z 075677 5056939  
ACTION: GT (01)

INFO: DCEN (03) REG (01) LARA (01) 2JC (01) AMP (01) SPA (01)  
ARA (01) PPG (01) OAS (01) PPA (01) RJ (01) PDAS (01) SCO (02)  
----- 14/1717Z AT RD (TOTAL COPIES: 017)

ACTION ARA-00

INFO LOG-00 ACDA-17 ACDE-00 AIB-00 AMAD-01 CIAE-00 OASY-00  
DODE-00 EB-00 FBIE-00 H-01 TEDE-00 INR-00 IO-16  
L-00 ADS-00 NSAE-00 NSCE-00 OIC-02 PA-01 PM-00  
PRS-01 P-01 SP-00 SR-00 SSO-00 SS-00 STR-01  
TRSE-00 USIE-00 PYB-00 PRME-01 DRL-00 C-00 /855V  
-----87650 141454Z /38

O 141448Z NOV 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 6984

CONFIDENTIAL GUATEMALA 010759

Guatemala  
ARA 3

NSC FOR FEINBERG

E.O. 12356: DECL: OADR  
TAGS: PHUM, PINS, HARR, GT  
SUBJECT: REPORT TO JENNIFER HARBURY ON MEETING WITH PRESIDENT  
DE LEON

REF: STATE 307242

1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: JENNIFER HARBURY MET WITH THE AMBASSADOR AT  
AMBASSADOR'S REQUEST EARLY AFTERNOON NOV 11 IN THE EMBASSY.  
SHE INFORMED HARBURY OF THE INFORMATION GIVEN TO PRESIDENT DE  
LEON THE SAME MORNING THAT WE HAVE CONCLUDED THAT EFRAIN BAMACA  
WAS TAKEN CAPTIVE BY THE GUATEMALAN ARMY, AND THAT WE HAVE NO

INFORMATION THAT HE WAS ALIVE MUCH MORE THAN A FEW WEEKS AFTER  
HIS CAPTURE. SHE STRESSED THAT SHE HAD URGED A VIGOROUS  
INVESTIGATION, AND THAT DE LEON SAID HE WOULD SEEK TO PROVIDE  
ASSISTANCE TO THE HUMAN RIGHTS OMBUDSMAN.

3. HARBURY SAID SHE HAD ENDED HER HUNGER STRIKE, AND WILL  
RETURN TO THE US SHORTLY FOR HIGH LEVEL WHITE HOUSE MEETINGS AS  
WELL AS TO MEET WITH UN HUMAN RIGHTS EXPERT MONICA PINTO, AFTER  
WHICH SHE WILL RETURN TO GUATEMALA TO AID THE OMBUDSMAN'S  
INVESTIGATION. IF THE RESULTS ARE NOT SATISFACTORY, SHE SAID  
SHE INTENDS TO PROSECUTE CRIMINAL CHARGES AGAINST THOSE NAMED  
IN OAS TESTIMONY UNLESS THE ARMY PERMITS A NEUTRAL OBSERVER TO  
VIEW BAMACA AND CONFIRM HE IS ALIVE AND WELL AND WILL BE TURNED  
OVER WHEN A PEACE AGREEMENT GOES INTO EFFECT.

(NO) SUMMARY

4. THE AMBASSADOR MET WITH JENNIFER HARBURY, WHO WAS  
ACCOMPANIED BY JAMES MALONEY, FORENSIC ATTORNEY; AND JOSE  
PERTIERRA, HARBURY'S LAWYER. THE DCM, THE PUBLIC AFFAIRS  
OFFICER, THE CONSUL GENERAL AND THE POLITICAL COUNSELOR ALSO  
ATTENDED. THE CAMERA PERSON WHO ACCOMPANIED HER WAS ASKED TO  
STAY IN THE LOBBY.

5. AFTER GREETING HARBURY AND HER GROUP AND NOTING SHE HAD  
PREPARED TO MEET WITH HER EARLIER, THE AMBASSADOR INFORMED THEM  
THAT SHE HAD MET WITH PRESIDENT DE LEON IN THE MORNING AND HAD  
DELIVERED A DEMARCHE TO HIM, BASED ON INSTRUCTIONS FROM  
WASHINGTON. SHE INFORMED THEM THAT THE INSTRUCTION HAD  
CONTAINED THE FOLLOWING INFORMATION: "BASED ON ALL THE  
INFORMATION NOW AVAILABLE TO US FROM A VARIETY OF SOURCES, WE

HAVE CONCLUDED THAT BAMACA WAS TAKEN CAPTIVE BY THE ARMY IN  
MARCH 1992. HE HAD BEEN WOUNDED, BUT HIS INJURIES WERE NOT

GUATEM 10759 00 OF 03 141451Z 075677 5056939  
BELIEVED TO BE LIFE THREATENING. WE HAVE NO INFORMATION THAT  
HE WAS ALIVE MUCH BEYOND THE FIRST FEW WEEKS AFTER HIS  
CAPTURE." THE AMBASSADOR TOLD HARBURY THAT SHE HAD INFORMED  
PRESIDENT DE LEON OF THIS, AND THAT WE WERE ATTEMPTING TO  
DEVELOP FURTHER INFORMATION FOR HIM.

6. THE AMBASSADOR DECLINED TO EXPAND OR RESPOND TO QUESTIONS  
ABOUT THE INFORMATION, NOTING THAT IT CONCERNED INTELLIGENCE  
MATTERS. SHE SAID SHE HAD PRESSED THE PRESIDENT FOR A VIGOROUS  
INVESTIGATION. SHE HAD TOLD HIM THAT SHE HAD MET WITH HUMAN  
RIGHTS OMBUDSMAN GARCIA LAGUARDIA THE DAY BEFORE, WHO HAD  
COMPLAINED ABOUT THE LACK OF RESOURCES TO CARRY OUT AN ADEQUATE  
INVESTIGATION. DE LEON HAD INDICATED THAT HE HAD A LOT OF  
RESPECT FOR THE OMBUDSMAN'S OFFICE (WHICH HE USED TO HEAD),  
NOTING IT WAS APPROPRIATE FOR IT TO INVESTIGATE THE BAMACA CASE  
SINCE IT WAS OUTSIDE THE GOVERNMENT. HE HAD SAID HE WOULD TRY  
TO ASSIST IT IN ANY WAY POSSIBLE. THE AMBASSADOR NOTED SHE HAD  
ALSO STRESSED WITH THE PRESIDENT THE ONGOING RESPONSIBILITY OF  
THE PUBLIC MINISTRY TO CONTINUE ITS CRIMINAL INVESTIGATION.

7. HARBURY REPLIED THAT THE PUBLIC MINISTRY WAS NOT DOING  
ANYTHING EFFECTIVE; THEY HAD NOT YET INTERVIEWED ANY OF THE  
MILITARY PERSONNEL NAMED LONG AGO IN OAS TESTIMONY AS WITNESSES  
TO BAMACA'S CAPTIVITY. THE AMBASSADOR RESPONDED THAT SHE HAD  
SUGGESTED THAT BE DONE AND THAT THE HUMAN RIGHTS OMBUDSMAN ALSO  
INTERVIEW URGING COMBATANTS IN MEXICO WHO MAY HAVE INFORMATION  
ABOUT BAMACA'S DISAPPEARANCE, AS WELL AS FOLLOW UP ON REPORTED  
SIGHTINGS IN GUATEMALA, SUCH AS A RECENT REPORT HE WAS BEING  
HELD IN JUTIAPA. GARCIA LAGUARDIA HAD SAID HE WOULD DO SO.

SHE CONTINUED THAT WE ARE AWARE THAT THINGS DO NOT HAPPEN IN  
GUATEMALA UNLESS THERE IS A PUSH, AND WE WILL KEEP PUSHING.  
THE AMBASSADOR REPORTED THAT SHE HAD ARGUED TO DE LEON THAT  
INTERNATIONAL ACCOMPANIMENT OF THE INVESTIGATION BY MINUGUA  
WOULD BE IMPORTANT, AND HE HAD AGREED. PERTIERRA OBSERVED THAT  
THEY WOULD BE MEETING IN A FEW DAYS WITH MONICA PINTO (THE UN  
HUMAN RIGHTS EXPERT FOR GUATEMALA).

8. HARBURY OBSERVED THAT, IF THERE WERE NO SATISFACTORY  
RESULTS FROM THE OMBUDSMAN'S INVESTIGATION IN THE 30 DAY  
PERIOD, SHE WOULD PERSONALLY PROCEED TO PROSECUTE ALL THOSE  
PERSONS NAMED IN THE OAS TESTIMONY. SHE SAID SHE EXPECTED TO  
HAVE HIGH LEVEL MEETINGS IN THE WHITE HOUSE, AND THEN TO COME  
BACK TO GUATEMALA TO WORK CLOSELY WITH THE HUMAN RIGHTS  
OMBUDSMAN IN HIS INVESTIGATION. AT THE AMBASSADOR'S URGING,  
SHE SAID SHE WOULD BE WORKING WITH MINUGUA AS WELL, AND AGREED  
TO TRY TO SEE ITS ACTING DIRECTOR FERNANDO CASTANON BEFORE SHE  
RETURNS TO THE US.

9. PERTIERRA WONDERED IF US RESOURCES MIGHT BE MADE AVAILABLE  
TO AID THE BAMACA INVESTIGATION. THE AMBASSADOR STRESSED THAT  
IT IS IMPORTANT TO CREATE AN INSTITUTIONAL CAPABILITY TO

PROSECUTE VIOLATIONS, SINCE THIS IS ULTIMATELY A GUATEMALAN  
RESPONSIBILITY. HARBURY NOTED THAT A PRESS ITEM ON THE  
AMBASSADOR'S MEETING THE PREVIOUS DAY WITH SUPREME COURT  
PRESIDENT BARRIOS HAD MENTIONED WE WERE ASSISTING THE COURTS.  
THE AMBASSADOR NOTED THAT SHE HAD MADE A PRIVATE, FIRST VISIT  
TO THE NEW PRESIDENT AND NO PUBLIC STATEMENTS WERE MADE; THE  
PRESS ITEM DOUBTLESS WAS concocted BY THE COURT'S PUBLIC

RELATIONS OFFICER. SHE SAID THAT THE VISIT DID INCLUDE  
DISCUSSION OF OUR ADMINISTRATION OF JUSTICE ASSISTANCE  
PROGRAM. PERTIERRA ASKED IF THIS AID SHOULD BE TIED TO THE  
INVESTIGATION IN THE BAMACA CASE. THE AMBASSADOR RESPONDED  
THAT WOULD BE A TRAVESTY, BECAUSE THE PENAL PROCEDURES CODE IS  
A MAJOR REFORM THAT WILL BE STILLBORN IF WE DO NOT HELP. THIS  
IS EXACTLY THE TYPE OF THING WE NEED TO DO TO CHANGE THINGS IN  
GUATEMALA. THERE ARE MANY PEOPLE HERE WHO WOULD LIKE THE

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/29/95  
Case ID: 951222C7

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PAGE 02 OF 02 GUATE 10259 00 OF 03 141451Z 025877 5054939  
 REFORM TO FAIL. SHE NOTED THAT, IN HER MEETING WITH THE PRESIDENT OF THE COURT (REPORTED SEPTUL), HE HAD SAID THAT HE HAD GREAT SYMPATHY FOR HARBURY AS WELL AS ADMIRATION FOR HER ELOQUENT COURT PRESENTATION. WHILE IT WAS TOO SOON TO SAY FOR SURE ABOUT THE NEW COURT, ITS PRESIDENT (A HERO OF THE 1944 REVOLUTION AND A CABINET MINISTER IN THE AREVALO GOVERNMENT) WAS IMPECCABLE CREDENTIALS AND A HISTORY OF POLITICAL COMMITMENT.

10. HARBURY THEN REQUESTED COPIES OF ALL EMBASSY COMMUNICATIONS ON HER CASE, TO WHICH THE AMBASSADOR RESPONDED THE REQUEST NEEDED TO BE MADE IN WASHINGTON. PERTIERRA ASKED IF THE USG WAS GIVING INFORMATION TO THE GUATEMALAN INVESTIGATING AUTHORITIES THAT IT WAS NOT GIVING TO HARBURY. THEY WERE AGAIN REFERRED TO WASHINGTON. PERTIERRA CONTINUED THAT THE INFORMATION WHICH HAD BEEN GIVEN TO THE PRESIDENT HAD BEEN PRETTY DAMNING AND PUTS THE CCG IN A TENUOUS POSITION. HE ASKED HOW DE LEON HAD REACTED TO THE MESSAGE "YOUR ARMY KILLED HIM." THE AMBASSADOR DECLINED TO CHARACTERIZE THE PRESIDENT'S REACTION. PERTIERRA THEN WANTED TO KNOW IF DE LEON HAD EVER DIVULGED TO HER WHERE HE HAD GOTTEN THE DETAILED DESCRIPTION OF BAHACA CONTAINED IN HIS LETTER TO THE USMC WHEN HE WAS HUMAN RIGHTS OMBUDSMAN. THE AMBASSADOR NOTED THAT SHE HAD MENTIONED THE NEED TO CLARIFY THIS AND OTHER POINTS AS AN ELEMENT OF THE

INVESTIGATION. WHEN ASKED WHETHER ANY OF THE INDIVIDUALS NAMED IN OAS TESTIMONY HAD BEEN INTERVIEWED AS PART OF THE INVESTIGATION, THE AMBASSADOR NOTED THE CCG HAD RESPONDED NO IN THE RECENT OAS HEARING; SHE HAD ALSO URGED THIS AS AN ESSENTIAL PART OF THE INVESTIGATION.

11. HARBURY THEN OFFERED WHAT SHE CHARACTERIZED AS A FACE SAVING WAY OUT FOR THE ARMY: IF SHE AND THE ARMY CAN AGREE ON A NEUTRAL INTERMEDIARY WHO WOULD VISIT BAHACA WHERE HE IS BEING HELD TO VERIFY HE IS ALIVE AND WELL, AND IF THE ARMY WILL AGREE TO RELEASE HIM AT THE TIME A PEACE AGREEMENT GOES INTO EFFECT, SHE WILL THEN WAIVE HER RIGHT TO PROSECUTE AND "THE PROBLEM WILL GO AWAY." SHE SAID SHE WOULD PUSH FOR THIS. IF NOT ACCEPTED, SHE WILL PROVIDE ALL POSSIBLE SUPPORT AND EVIDENCE TO MINUGUA INCLUDING VIDEOS AND DOCUMENTS, AND WILL PROSECUTE ALL THOSE INVOLVED TO THE FULL EXTENT OF THE LAW (HER PRESS STATEMENT FAXED TO ARA/CEN AND USIA NOW IT MAKES CLEAR SHE INTENDS ALSO TO BRING CHARGES AGAINST THE MOD. GEN. HARIO ENRIQUEZ). SHE WILL BE IN THE US FOR ONLY A WEEK OR SO, AND WILL THEN RETURN TO PURSUE HER CASE. PERTIERRA NOTED THEY WOULD HAVE THE OAS TURN OVER ALL ITS EVIDENCE TO MINUGUA AS WELL.

12. HARBURY THEN SAID THAT SHE HAD TERMINATED HER HUNGER STRIKE AN HOUR EARLIER. SHE ADDED THAT SHE HAD CONTINUED HER STRIKE A WEEK LONGER THAN INTENDED BECAUSE OF CCG EFFORTS TO INTIMIDATE HER AND WEAR HER OUT, E.G. BY THE TWO TRIPS TO COATEPEQUE FOR THE UNNECESSARY EXHUMATION. SHE PARTICULARLY THANKED THE EMBASSY AND ESPECIALLY THE CONSUL GENERAL FOR THE EXTENSIVE HELP AND SECURITY WHICH HAD BEEN PROVIDED. SHE ACKNOWLEDGED THAT SHE HAD WANTED THE FIRST EXHUMATION CANCELLED, AND OBSERVED THAT HER FATHER, WHO HAD SOUGHT EMBASSY

WIF TO CANCEL IT, COULD BE "A PRETTY INSISTENT PERSON." SHE HAD THOUGHT THE EXHUMATION POINTLESS SINCE IT WAS CLEAR THOSE BUILT THERE HAD BEEN KILLED A WEEK EARLIER THAN HER HUSBAND'S DISAPPEARANCE, BUT SHE HAD NONETHELESS GONE (TWICE) TO PREVENT THE POSSIBILITY THE ARMY MIGHT TRY TO SWITCH HER HUSBAND'S BODY WITH ONE OF THOSE IN COATEPEQUE. SHE ALSO THOUGHT IT HAD BEEN COMED OF THE CCG TO INVOLVE BAHACA'S FATHER IN THE COURT HEARING SINCE HE HAD NOT SEEN HIS SON IN TWENTY YEARS. THESE WERE JUST EXAMPLES, ACCORDING TO HARBURY, OF THE SMOKE AND MIRRORS THE GUATEMALAN AUTHORITIES WERE ENGAGING IN RATHER THAN REALLY INVESTIGATING.

13. AS THE MEETING CLOSED, PERTIERRA ASKED REGARDING THE INFORMATION PASSED TO PRESIDENT DE LEON, WHETHER HE HAD

GUATE 10259 00 OF 03 141451Z 025877 5054939  
 INFORMATION WHERE THE BODY MIGHT BE. THE AMBASSADOR RESPONDED THAT SHE HAD GONE AS FAR AS SHE COULD IN RESPONDING, THAT SHE DID NOT KNOW WHAT HAPPENED TO BAHACA, AND THAT SHE DID NOT WISH TO MISPEAK OR MISLEAD. THESE QUESTIONS SHOULD BE PRESENTED IN WASHINGTON. HARBURY NOTED SHE WOULD BE PUTTING IN A FREEDOM OF INFORMATION ACT REQUEST ON THE BAHACA MATTER. SHE ASKED THAT WE KEEP IN MIND THE FACE SAVING WAY OUT FOR THE ARMY SHE HAD MENTIONED, TO WHICH THE AMBASSADOR RESPONDED THAT HE HAD NO INFORMATION INDICATING BAHACA IS STILL ALIVE. HARBURY DID NOT REACT.

B1,A9

15. COMMENT: WE HAVE NO WAY TO KNOW HOW MUCH HOPE HARBURY HAS THAT HER HUSBAND MAY STILL BE ALIVE. WHILE THE CCG WILL NOT BE PLEASED BY HARBURY'S PLANS TO RETURN, IN VIEW OF HER ESSENTIAL ROLE IN THE INVESTIGATION, THEY WOULD BE HARD PRESSED TO DENY IT.

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VDOOS 000871

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C O N F I D E N T I A L

GUATEMALA 10331

ORIGIN: AMB-1  
INFO: DCM-1 USIS-1 POL-1 DAO-1 CONS-1 TOTAL-2

DISTRIBUTION: BAMA  
CHARGE: PROG  
APPROVED: AMB  
DRAFTED: POL:GACHESTER  
CLEARED: CONS:CKEIL DCM:JPKRANE

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FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC IMMEDIATE 7037  
BT  
C O N F I D E N T I A L GUATEMALA 010331

15 Nov 94

NSC FOR FEINBERG

E.O. 12356: DECL: OADR  
TAGS: PHUM, PINS, MARR, GT  
SUBJECT: POINTS TO MAKE ON BAMACA CASE

REF: GUATEMALA 10259

1. CONFIDENTIAL - ENTIRE TEXT

2. SUMMARY: IN MEETINGS WITH JENNIFER HARBURY CONCERNING THE CASE OF HER HUSBAND EFRAIN BAMACA WE BELIEVE IT IS IMPORTANT THAT USG OFFICIALS URGE HER TO PROVIDE ALL POSSIBLE ASSISTANCE AND COOPERATION TO THOSE INTERNATIONAL AND GUATEMALAN ENTITIES INVOLVED IN INVESTIGATING THE CASE OR MONITORING THE INVESTIGATION. IT WILL ALSO BE IMPORTANT TO STRESS THAT ECONOMIC SANCTIONS WOULD BE COUNTERPRODUCTIVE AND NOT AID HER HUSBAND'S CASE. THIS CABLE SUGGESTS TALKING POINTS ALONG THESE LINES.

END SUMMARY.

3. TALKING POINTS:

COOPERATION WITH INVESTIGATING BODIES

-- AS YOU KNOW, THERE ARE TWO GUATEMALAN ENTITIES FORMALLY CHARGED WITH INVESTIGATING YOUR HUSBAND'S CASE: THE HUMAN RIGHTS OMBUDSMAN'S OFFICE AND THE PUBLIC MINISTRY.

-- IT WILL BE VERY IMPORTANT TO AVOID LOOPHOLES WHERE POSSIBLE, AND TO BE SEEN AS COOPERATING FULLY WITH THOSE

C O N F I D E N T I A L

GUATEMALA 10331

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/30/95  
Case ID: 951222C8

UNCLASSIFIED

Guatemala  
Jennifer Harbury  
Cable Traffic  
Consular Section  
Registry # 327226

U D D S 000885

UNCLASSIFIED

C O N F I D E N T I A L

GUATEMALA 10331

INVESTIGATIONS.

-- IN THIS REGARD, WE ENCOURAGE YOU TO PROVIDE ALL INFORMATION AND COPIES OF DOCUMENTARY EVIDENCE AND TESTIMONY TO THEM WHICH YOU HAVE.

-- WE URGE YOU TO COOPERATE FULLY AND COMPLETELY WITH BOTH OF THESE INVESTIGATIONS, AS BY FAR THE MOST LIKELY CHANNELS FOR REACHING THE TRUTH IN THIS CASE. GUATEMALA IS A VERY LEGALISTIC SOCIETY; SOME ACTIONS MAY SEEM UNNECESSARY, BUT FAILURE TO COMPLY FULLY WITH ALL REQUIREMENTS MAY CAUSE UNNECESSARY DELAYS.

-- IT WILL ALSO BE IMPORTANT TO COMPLY WITH THEIR FORMALITIES, SUCH AS SIGNING CERTAIN PAPERS PREPARED BY THE OMBUDSMAN'S OFFICE (FYI - WHICH SHE MAY ALREADY HAVE DONE - END FYI) TO AVOID PRETEXTS FOR NOT PROCEEDING PROMPTLY AND VIGOROUSLY WITH THE INVESTIGATION.

-- PARTICULARLY IMPORTANT WILL BE TO ASSIST AND COOPERATE WITH MINUGUA, WHICH WE UNDERSTAND WILL BE PERMITTED BY THE GUATEMALAN GOVERNMENT TO ACCOMPANY GUATEMALAN INVESTIGATORS IN PURSUING YOUR HUSBAND'S CASE ONCE IT IS OFFICIALLY INSTALLED.

AVOID ECONOMIC SANCTIONS  
-----

-- WE RECOGNIZE YOUR FRUSTRATIONS WILL BE GREAT AS YOU PURSUE THIS CASE.

-- HOWEVER, WE URGE YOU NOT TO SEEK TO ENCOURAGE ECONOMIC SANCTIONS AS A MEANS TO MOVE IT FORWARD.

-- NEARLY HALF OF U.S. ASSISTANCE TO GUATEMALA IS FOOD AID, MUCH OF IT FOR THE POOR; MOST OF THE REST MEETS BASIC HUMAN NEEDS SUCH AS HEALTH CARE AND LITERACY. THE REMAINDER IS FOCUSED ON SEEKING TO BUILD CIVILIAN INSTITUTIONS, SUCH AS THE LEGAL SYSTEM, TO STRENGTHEN DEMOCRACY AND COMBAT IMPUNITY. REDUCING SUCH AID WILL ONLY EMBOLDEN THE FORCES SEEKING TO PREVENT CHANGE. INSTEAD, FURTHER POSITIVE STEPS, SUCH AS THE RECENT CONVERSION OF \$4.6 MILLION IN MILITARY ASSISTANCE TO A PEACE FUND, SHOULD BE CONSIDERED.

-- TRADE SANCTIONS, WHICH WOULD HURT THE POOREST GUATEMALAN WORKERS AND CAMPESINOS, SHOULD ALSO BE AVOIDED. ONLY A BURGEONING AND GROWING ECONOMY WILL PRODUCE THOSE PRESSURES OVER THE LONG TERM FOR REAL CHANGE AND PROVIDE THE NECESSARY RESOURCES FOR THE SOCIAL AND ECONOMIC REFORMS THAT ARE SO DESPERATELY NEEDED.

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C O N F I D E N T I A L

GUATEMALA 10331

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GUATEMALA 10331

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C O N F I D E N T I A L

GUATEMALA 10331

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VDOS 000887

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Department of State

INCOMING  
TELEGRAM

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PAGE 01 OF 02 GUATEL 18326 00 OF 02 162213Z  
ACTION ARA-00

28C3976

GUATEL 18326 00 OF 02 162213Z

28C3976

INFO LOG-00 ACOA-17 ACDE-00 AID-00 AMAD-01 CA-02 CIAE-00  
OAST-00 DODE-00 ED-00 FBIE-00 H-01 TEDE-00 IIR-00  
IO-16 LAB-01 L-00 ADS-00 H-00 NSAE-00 OCS-06  
OIC-02 OMB-01 PA-01 PH-00 PRS-01 P-01 SUP-01  
SP-00 SR-00 SS-00 STR-01 TRGE-00 T-00  
PHB-00 PRNE-01 BRL-00 G-00 /055N  
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R 162310Z NOV 94  
FM AMEMBASSY GUATEMALA  
TO SECSTATE WASHDC 7835  
INFO NSC WASHDC  
USCINCSO QUARRY HEIGHTS PH  
ARA CENTRAL AMERICA

RELEASED IN PART  
B1  
B1,A3,A5

CONFIDENTIAL GUATEMALA 018326

CINCSO FOR POLAD

NSC FOR FEINBERG

EMRIARA

E.O. 12356: DECL: OADR  
TAGS: CASC, PHUN, PINS, PGOV, PINR, GT  
SUBJECT: HARBURY - HUMAN RIGHTS OMBUDSMAN MEETS WITH  
AMBASSADOR

1. SUMMARY: AMB AND DCM MET ON NOV. 12 WITH HUMAN  
RIGHTS OMBUDSMAN, JORGE MARIA GARCIA LAGUARDIA, WHO

HAS BEEN DESIGNATED BY THE SUPREME COURT TO CARRY OUT  
A 30-DAY INVESTIGATION INTO THE DISAPPEARANCE OF URNG  
GUERRILLA LEADER, EFRAIN BAHACA VELASQUEZ. ACS  
OFFICER WAS ALSO PRESENT. THE OMBUDSMAN REPORTED  
THAT HE HAD FORMED A TEAM TO HANDLE THE CASE, BUT HE  
LACKED CONCRETE IDEAS ON THE DIRECTION IT WOULD  
TAKE. WHILE PLEDGING TO "DO HIS BEST", GARCIA  
LAGUARDIA EXPRESSED HIS DISPLEASURE AT BEING ASSIGNED  
A TASK THAT, IN HIS VIEW, CLEARLY FELL UNDER THE  
RESPONSIBILITY OF THE PUBLIC MINISTRY. HE LAMENTED  
THAT HIS OFFICE LACKS THE LOGISTICAL SUPPORT AND  
INVESTIGATIVE CAPABILITIES TO CARRY OUT A COMPLETE  
AND EFFECTIVE INVESTIGATION. HE REPEATED SEVERAL  
TIMES HIS FEAR THAT THIS MISPLACED TASKING WILL RUIN  
THE INSTITUTIONAL STRENGTH OF HIS OFFICE. END SUMMARY.

2. AMBASSADOR AND DCM MET WITH GARCIA LAGUARDIA TO  
DISCUSS HIS RECENT DESIGNATION BY THE SUPREME COURT  
TO INVESTIGATE THE WHEREABOUTS OF EFRAIN BAHACA,  
HUSBAND OF AMCIT, JENNIFER HARBURY. TO THE  
AMBASSADOR'S QUESTION ON SPECIFIC STEPS THAT THE  
OMBUDSMAN'S OFFICE PLANNED TO TAKE IN ITS NEW  
ASSIGNMENT, GARCIA LAGUARDIA RESPONDED IN VERY  
GENERAL TERMS AND COMPLAINED THAT HIS OFFICE LACKS  
NECESSARY LOGISTICAL SUPPORT IN THE FORM OF VEHICLES,  
A HELICOPTER, AND MANPOWER. HE SAID THAT HE HAD  
REQUESTED LOGISTICAL SUPPORT FROM THE U.N., INCLUDING  
A HELICOPTER TO VISIT MILITARY BASES, AS WELL AS THE  
COLLABORATION OF THE U.N. VERIFICATION TEAM WHICH  
SHOULD BEGIN OPERATIONS SOON IN GUATEMALA. COMMENT:  
THE HUMAN RIGHTS OMBUDSMAN'S OFFICE HAS 2 FULL-TIME

INVESTIGATORS AND 2 PART-TIME INVESTIGATORS, DOWN  
FROM A HIGH OF 13 INVESTIGATORS DURING RAMIRO DE LEON  
CARPIO'S TENURE IN THE LAST ADMINISTRATION. END  
COMMENT.

3. GARCIA LAGUARDIA POINTED OUT THAT HIS ROLE IN THE  
BAHACA CASE IS LIMITED TO FOLLOWING UP ON THE WRIT OF  
HABEAS CORPUS; THE PUBLIC MINISTRY, ON THE OTHER

HAND, WOULD STILL HAVE TO CONTINUE ITS INVESTIGATION  
OF POSSIBLE CRIMES COMMITTED INDEPENDENTLY OF HIS  
OFFICE'S ACTIONS. HE SUPPOSED THAT, AT THIS END, HIS  
OFFICE WOULD VISIT ALL THE MILITARY UNITS IN SEARCH  
OF BAHACA, DESPITE THE FACT THAT THIS HAS ALREADY  
BEEN DONE BY THE COURTS.

AMBASSADOR AND DCM VENTURED  
TO SUGGEST OTHER IDEAS THAT MIGHT SHED LIGHT ON  
BAHACA'S FATE; AMONG THEM, INTERVIEWING URNG  
GUERRILLAS OR EX-GUERRILLAS AND GUATEMALAN MILITARY  
MEMBERS WHO MAY HAVE BEEN PRESENT AT THE MARCH 1992  
FIREFIGHT; INTERVIEWING THE EX-GUERRILLAS WHO  
REPORTED HAVING SEEN BAHACA IN A CLANDESTINE PRISON,  
AS WELL AS OTHER EX-GUERRILLAS WHO CLAIM TO HAVE  
ESCAPED FROM SUCH PRISONS; AND INTERVIEWING THE  
JUSTICE OF THE PEACE WHO ALLEGEDLY VIEWED BAHACA'S  
BODY AND WROTE THE DETAILED DESCRIPTION THAT LATER  
WAS DELIVERED TO THE OMBUDSMAN'S OFFICE.

4. GARCIA LAGUARDIA ADMITTED THAT HE HADN'T THOUGHT  
OF SOME OF THE AMBASSADOR'S SUGGESTED COURSES OF  
ACTION, BUT AGREED THAT THEY MIGHT PROVE USEFUL, IF  
ONLY HE HAD THE RESOURCES. HE NOTED THAT

INVESTIGATING THE POSSIBILITY OF CLANDESTINE PRISONS  
OR EX-GUERRILLAS-TURNED-ARMY-INFORMANTS WAS NOT  
REALLY WITHIN HIS MANDATE, WHICH IS SOLELY TO PURSUE  
THE WRIT OF HABEAS CORPUS FOR EFRAIN BAHACA. HE  
AGAIN COMPLAINED THAT IF THE ATTORNEY GENERAL'S  
OFFICE AND THE SUPREME COURT HAD FAILED TO FIND  
BAHACA, DESPITE THEIR FAR GREATER RESOURCES, HE HAD  
NO IDEA HOW HE COULD BE EXPECTED TO DO ANY BETTER.  
TOWARD THE END OF THE CONVERSATION, HE SEEMED

STATING, "I AM WORRIED FOR  
MY INSTITUTION AND I AM WORRIED FOR MYSELF." HE  
ASSERTED THAT HE "IS NOT RAMIRO DE LEON CARPIO" AND  
HAS A DIFFERENT MANNER OF PROCEEDING. COMMENT:  
PRESIDENT RAMIRO DE LEON CARPIO WAS KNOWN TO BE VERY  
ACTIVE AND OUTSPOKEN DURING HIS TENURE AS HUMAN  
RIGHTS OMBUDSMAN. GARCIA LAGUARDIA HAS HAD CREDIBLE  
THREATS AGAINST HIS LIFE AS RECENTLY AS THIS YEAR.  
END COMMENT.

5. THE OMBUDSMAN REPEATED THAT THE PUBLIC MINISTRY,  
WHICH HAS THE RESPONSIBILITY FOR INVESTIGATING  
KIDNAPPINGS, HOMICIDES, AND DISAPPEARANCES, SHOULD  
REALLY HAVE BEEN NAMED AS SPECIAL INVESTIGATOR, NOT  
HIS OFFICE. THE AMBASSADOR THEN ASKED WHY THE BAHACA

CASE WOULD NOT ALSO FALL WITHIN THE PURVIEW OF THE  
HUMAN RIGHTS OMBUDSMAN'S OFFICE SINCE IT IS ALLEGED  
THAT BAHACA'S HUMAN RIGHTS ARE BEING VIOLATED.  
GARCIA LAGUARDIA REPLIED THAT IT IS HIS JOB TO ENSURE  
THAT THE COMPETENT AUTHORITIES (ATTORNEY GENERAL IN

THIS CASE) CARRY OUT THEIR RESPONSIBILITIES, NOT TO  
DO THEIR JOB FOR THEM. OTHERWISE, THE INSTITUTIONAL  
FRAMEWORK WHICH SUPPORTS THE RULE OF LAW WILL BE  
UNDERMINED. HE ADDED, HOWEVER, THAT THE SUPREME  
COURT HAD INVESTED HIM WITH THIS RESPONSIBILITY AND  
HE WOULD OBEY. THE SUPREME COURT HAS GIVEN THE HUMAN  
RIGHTS OMBUDSMAN'S OFFICE 30 DAYS TO COMPLETE ITS  
SPECIAL INVESTIGATION.

6. COMMENT: HE CONCLUDE FROM GARCIA LAGUARDIA'S  
COMMENTS THAT HE IS AT BEST TAKING ON THIS  
RESPONSIBILITY VERY RELUCTANTLY. GARCIA LAGUARDIA  
FEARS THE POSSIBLE CONSEQUENCES OF LAUNCHING A  
BROAD-BASED, HARD-HITTING INVESTIGATION AND HAS

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TELEGRAM

PAGE 02 OF 02 CHATEN 18326 RU OF 02 162313Z  
CHOSEN TO KEEP HIS ROLE LIMITED TO THE STRICTEST  
INTERPRETATION OF PURSUING A WRIT OF HABEAS CORPUS.  
HE PREFERS TO PLACE THE GREATER RESPONSIBILITY ON THE  
ATTORNEY GENERAL'S OFFICE. UNFORTUNATELY, THE LATTER  
THUS FAR, HAS PROVEN AS INEFFECTIVE IN RESOLVING THE  
BAHACA DISAPPEARANCE AS IT HAS IN MOST OTHER HIGH  
PROFILE HUMAN RIGHTS CASES. WE AND OTHERS (E.G.  
MINUCUA) WILL NEED TO PRESS BOTH THE CHUBUSMAN AND  
THE ATTORNEY GENERAL IF WE ARE TO SEE ANY PROGRESS ON  
THE CASE. END COMMENT.

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E4715PAGE 01 OF 02 MEXICO 76689 00 OF 02 160345Z 029195 5094765  
ACTION: RX (02)

MEXICO 76689 00 OF 02 160345Z 029195 5094765

INFO: SPA (01) AV (01) ARA (01) PPC (01) OAS (01) PPA (01) RJ (01)  
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ACTION ARA-00INFO LOG-00 ACBA-17 ACDE-00 A10-00 CIAE-00 SNEG-00 OAST-00  
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USINT HAVANA  
AMEMBASSY TECUMGALPA  
AMEMBASSY SAN SALVADOR  
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AMEMBASSY ROME  
AMEMBASSY OSLO  
AMEMBASSY MADRID  
AMEMBASSY MANAGUA  
AMEMBASSY CARACAS  
AMEMBASSY BOGOTA  
AMEMBASSY BELIZE

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GUATEMALA PASS A/S SHATTUCK

ROME PASS VATICAN

E.O. 12356: DECL: OADR  
TAGS: PREL, PCOV, PMUN, UN, OAS, GT, RX  
SUBJECT: GUATEMALAN PEACE PROCESS;  
[REDACTED]

1. CONFIDENTIAL - ENTIRE TEXT.

B1

7. MUCCIO THANKED ASTURIAS AND MONSANTO FOR THEIR  
EFFORTS TO HAVE HARBURY SUSPEND HER HUNGER STRIKE.  
MUCCIO EXPLAINED THAT AMBASSADOR MCAFEE HAD GIVEN  
HARBURY IMPORTANT INFORMATION ON THE CASE OF HERHUSBAND EFRAIN BARRICA THE PREVIOUS DAY, BUT THAT  
HE, MUCCIO, WOULD PREFER THAT HARBURY HERSELF GIVE  
THE INFORMATION TO THE URG. ASTURIAS SAID THAT  
HE WAS GLAD THAT HARBURY HAD ENDED THE HUNGER  
STRIKE AND THAT HE HAD ADVISED HER TO DO SO  
BECAUSE A STRUGGLE ORIGINALLY TARGETED AGAINST THE  
ARMY AND THE GOVERNMENT OF GUATEMALA HAD TURNEDINTO AN ATTACK AGAINST THE U.S. DEPARTMENT OF  
STATE. FOLLOWING UP ON ASTURIAS' REFERENCE TO THE  
HUNGER STRIKE, MONSANTO SAID THAT "IF YOU, RICK,  
ARE TAKEN FROM THE PEACE PROCESS, WE WILL MOUNT A  
HUNGER STRIKE STRIKE IN FRONT OF THE U.S. EMBASSY  
IN MEXICO CITY TO HAVE YOU REINSTATED." THE  
COMMANDERS NOTED THAT THEY FULLY SUPPORTED, AND  
WOULD COOPERATE WITH, AN INVESTIGATION INTO THE

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GUATEMALA  
Lades - Jennifer  
Harbury (1994)  
ARA(CEN)  
2 of 3 (ARA)

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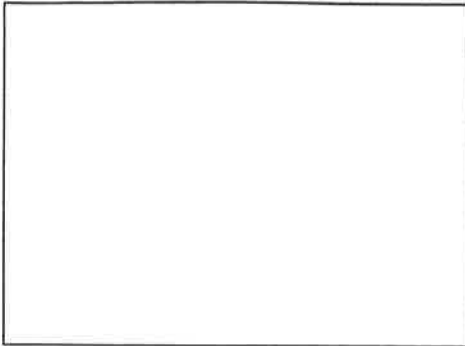


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BAMACA CASE BY THE GUATEMALAN HUMAN RIGHTS  
PROSECUTOR.



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9. THIS CABLE WAS CLEARED BY DR. NUCCIO.

JONES

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VDOS 000901

E4716

November 15, 1994

Mr. Marilyn McAfee  
U.S. Ambassador to Guatemala  
Ave. Reforma 7-01, zona 10  
Guatemala, C.A.

Please find attached a message that will appear in the near future in a Guatemalan newspaper (the message was funded by a number of Central American support groups in our area). It is an urgent message and we are asking that you take time to read it thoroughly and respond quickly to the extremely serious concerns. Our family has visited Guatemala twice and we are well aware of the political situation. Needless to say we are shocked and outraged by what's happening there now, especially so since it appears the media isn't the least bit interested in covering this story, leaving the people of Guatemala very vulnerable.

- we want the murder of returned refugee Manuel Lopez investigated
- Canada, Spain and many other countries are members of GRICAR which was set up to monitor compliances with the accord protecting the returnees. We want these members to pressure the Guatemalan government to:
  1. investigate Manuel's assassination and the findings made public. Request that those responsible be brought to justice.
  2. demand that returnees and displaced communities be protected as set out in GRICAR.

As well we request you investigate Guatemala's treatment of the case surrounding U.S. lawyer, Jennifer Harbury and her missing husband, Efrain Bamaca Velasquez. This man may still be alive and we want Canada to insist on his release.

We are counting on Canada to act quickly and await your reply as to the actions taken.

Sincerely,

John and Rosemary Baxter,

*Rosemary Baxter John Baxter*

CC: Foreign Affairs Critics  
Bob Mills, M.P. (Reform Party)  
Svend Robinson, M.P. (NDP)

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/30/95  
Case ID: 95022208

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CANADIAN AND LATINAMERICAN ORGANIZATIONS IN CANADA PROCLAIM OUR  
SOLIDARITY WITH THE GUATEMALAN PEOPLE SUFFERING A NEW WAVE OF  
REPRESSION AND INTIMIDATION

We are aware that in the last week there has been a dramatic increase in violent acts of repression by the government, the army and emergency response teams against students, members of popular organizations and the population in general.

We are very concerned about the following:

1. that the raising of urban public transit fares, added to the privatization policies of the government, are resulting in yet another violation of the economic rights of the already impoverished Guatemalan people.
2. that when citizens have exercised their rights to demonstrate and to express their discontent, the response has been violent repression through direct attacks, detentions, killings and disappearances. Among the victims of these attacks we know of student MARIO ALFONSO LOPEZ SANCHES and LUIS FERNANDEZ CALDERON, who were both killed, wounded students GUILLERMO FERNANDEZ, MARIO MAZARIEGOS and ERICK MIJANGOS, as well as 32 others suffering from gunshot wounds, 90 detained people and dozens of people poisoned by teargas.
3. that under the presidency of the former human rights prosecutor, Ramiro de Leon Carpio, the University of San Carlos was violently invaded, violating both the autonomy of the university and the Constitution of the Republic.
4. that having signed the Human Rights Accord in March of this year, neither the government, the army nor the United Nations have taken any significant steps to implement the agreements. To the contrary, we know that human rights violations have increased and that repressive government forces and paramilitary groups continue to enjoy the same impunity as before. As examples of this we cite the public death threats recently made against various individuals by the Patriotic Anti-Communist Unity and the recent torture and killing of returned refugee MANUEL LOPEZ in the Ixcán.

Because of all the above, the organizations and individuals signing here have organized a campaign of denunciation and pressure:  
-to ask the Canadian government to consider a reduction in trade relations and economic aid to the Guatemalan government  
-to inform the Canadian public of the escalating repression against the Guatemalan people and members of international solidarity such as U.S. citizen Jennifer Harbury and Spanish citizen Graciela Pasi.

We demand that the Guatemalan government:

- put an end to attacks on the Guatemalan people by government forces
- ensure respect for the physical integrity of the people who have been detained, disappeared and threatened with death

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- stop their privatization policies and find a solution to the transit problem
- respect and fulfill the agreements signed by the government, army and the URNG, especially the installment of a UN Verification Commission (MINAGUA)
- respect the autonomy of the University of San Carlos
- ensure the prosecution of those responsible, both intellectually and materially, for the recent acts of repression.

FOR THE RIGHT TO LIFE

FOR THE RIGHT TO PEACE

FOR THE RIGHT OF ALL GUATEMALANS TO EXERCISE THE FREEDOM THAT THE  
CONSTITUTION OF THE REPUBLIC GUARANTEES

The money can be sent to  
#3-2510 Alberta Str.  
Vancouver BC.  
V5Y 3L1

to:

Please by tomorrow night by fax  
could you let us know how many  
people, their names and how much  
do you have. Thank you

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Background Information on Harbury/Bamaca Case

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American citizen Jennifer Harbury went on hunger strike in Guatemala from October 11 to November 11 to protest the disappearance of her Guatemalan common law husband, URNG (Guatemalan National Revolutionary Unity) guerrilla Efraim Bamaca. Her fast attracted significant bipartisan Congressional, press and public interest in Harbury's situation, prompting hundreds of letters and phone calls to the State Department and NSC, as well as national media coverage, including a November 6 "60 Minutes" story and a "New York Times" editorial critical of the USG's handling of the case. In Guatemala, the GOG and press reaction to Harbury's allegations was negative, and the USG has been criticized for perceived pressure and interference.

Harbury ended her fast with a press conference announcing that she had "received news that high-level officials in the White House want to talk" to her. The request for a high-level meeting came to Vice President Gore's staff from Rep. Gejdenson (D-CT) on behalf of Harbury's attorney. However, by being able to point to high-level interest in her husband's case, Harbury achieved a face-saving way to end her hunger-strike.

Bamaca (nom de guerre: Everardo) disappeared in March 1992 following an armed confrontation with the Guatemalan army. Although the GOG maintains that they have no information on Bamaca's whereabouts, there is reason to believe that the Guatemalan military operates clandestine prisons and may have captured and possibly executed him. Harbury is an attorney who worked with Guatemalan asylum seekers in the U.S. and wrote a book based on her experiences while living for two years in Guatemala. She says that she met Bamaca, a guerrilla for seventeen years, in Guatemala in 1990 and entered into a common-law marriage with him in September 1991.

After Bamaca's disappearance, Harbury initially believed he was dead, but after learning that two other guerrillas claimed to have seen him in army custody, she initiated her campaign on his behalf. She attended an exhumation in May 1992 -- without identifying herself as Bamaca's wife -- that was stopped by Attorney General Acisclo Valladares on the grounds that the proceeding was illegal since no family members were present and there were no other means available to identify the cadaver, such as x-rays, dental records, or DNA samples. In her "60 Minutes" interview, she explained her silence on that occasion by saying that the army would discredit her ability to identify the cadaver if they knew she was Bamaca's wife. The GOG maintains that Harbury is an agent, or at the very least a pawn, of the URNG.

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They are skeptical about Harbury's claim that she was married to Bamaca and point to her inability to produce any photos of the couple together. Harbury and her supporters have criticized the USG for supporting the ongoing peace negotiations between the URNG and GOG; the Guatemalan government believes that Harbury is serving the URNG's desire to delay a final peace accord indefinitely.

USG Actions Thus Far

The USG has assisted Harbury and has pressed the case repeatedly and urgently with the GOG since it was first brought to our attention in March 1993. We raised the case with the Government of Guatemala that same month and repeatedly since then with the President, Foreign Minister, Defense Minister, Attorney General and other officials. DOD DAS Mari-Luci Jaramillo also raised the case with the Defense Minister during an August 1994 visit to Guatemala. We have also provided an extraordinary level of assistance to Ms. Harbury: obtaining appointments with high-ranking government officials; facilitating August 1993 and November 1994 exhumations to determine if Bamaca was the person buried (he was not); and a variety of personal assistance to Harbury, including eight visits and meetings with our Ambassador in Guatemala during her hunger strike. Harbury has also been received at high levels of the USG, including DRL's John Shattuck, ARA DAS Anne Patterson, ARA Senior Adviser Richard Nuccio, and UN Human Rights Commission Ambassador Geraldine Ferraro. (Shattuck visited Guatemala November 16-18 to discuss this case, other human rights issues, and the peace process.)

After demarching President de Leon on November 11, Ambassador McAfee met with Jennifer Harbury and her attorney Jose Pertierra later that day to share the information passed on to de Leon: "Based on all the information now available to us from a variety of sources, we have concluded that Bamaca was taken captive by the Guatemalan army in 1992. He had been wounded, but his injuries were not believed to be life-threatening. We have no information that he was alive much beyond the first few weeks after his capture." Harbury sought additional information and is likely to do so during her meeting with Mr. Lake. Ambassador McAfee declined to expand or respond to questions about the information, noting that it concerned intelligence matters.

GOG Actions

On October 27 Guatemalan President de Leon announced a new investigation into the Bamaca case. The Supreme Court has held hearings on a habeas corpus petition filed on Bamaca's behalf and interviewed Harbury in early November. The Human Rights Ombudsman has been given thirty days to complete the investigation. However, subsequent conversations with GOG officials, including Ambassador McAfee's November 11 meeting with President de Leon, suggest that a satisfactory resolution

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of this case is unlikely. While Bamaca is probably dead, the chances of the army admitting responsibility and producing his body are fairly slim. The GOG has a poor record on resolving individual human rights cases, despite USG and international scrutiny. A notable exception, the Michael Devine case, involved the 1990 murder of an Amcit by the army. USG pressure, including the ongoing ban on military assistance, was tremendous, but we have less leverage in this case, which does not closely parallel Devine's.

Peace Process

Harbury has criticized the USG for "sacrificing" her husband to foster the ongoing peace process. In fact, the reverse is true: Harbury's determination to resolve this case is having perhaps unintended negative consequences on the peace process. Our response, if mishandled, has the potential to damage our credibility as a "Friend" to both parties and the peace process itself. Continuation of Guatemala's decades-old conflict would be the worst possible outcome for human rights in Guatemala. The new political spaces opening in Guatemala and the hesitant dialogue occurring between deeply mistrustful sectors such as labor and business and the army and human rights groups are just small signs that meaningful progress is coming from the talks.

Harbury's hunger strike, launched just as the peace talks resumed after four months of delay and intense efforts by the UN and the Friends to return both sides to the table and as a UN human rights verification mission is being deployed, effectively seeks to supplant the peace process with her individual case as a way to advance the fundamental cause of human rights in Guatemala. While responding to her legitimate concerns for clarification of her husband's status, we should recognize that this case will not necessarily advance the protection of human rights in Guatemala. Moreover, URNG violence itself has escalated dramatically in the last four months both against the army and in kidnappings of prominent business leaders for ransom.

The Bamaca case is one of the most difficult for the army to deal with because it touches on the "dirty war" techniques practiced by both sides during the conflict and threatens to "name names" and attack the reputation of the entire armed institution. The army and the URNG recognized the explosive nature of the past for both sides in the peace talks when they negotiated an Historical Commission Accord in Oslo last June. There both sides agreed to deal with it by establishing a commission that would identify no individuals and have no judicial impact.

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Drafted:ARA/CEN:PWillingham/RNuccio  
SEARAELG 21020 11/16/94

Cleared:ARA:AWPatterson  
ARA/CEN:JHamilton  
ARA/CEN:HSimon  
ARA/PA:LMcClenny  
L/ARA:MPeay  
DRL/AAA:PLahey  
AID/LAC/CEN:Kellis  
P:LBassett  
D:DSchwartz  
CA/OCS/EMR/ARA:DLHobbs  
INR/IAA:DSavastuk  
H:MVeloz

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Press Statement (November 16, 1994)

Visit of John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor

Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, will be in Guatemala this week for an official visit. Assistant Secretary Shattuck will meet with Guatemalan Government officials, representatives of non-government organizations and human rights leaders to discuss democratic institutions, labor and the overall human rights situation.

Os and As

Q. Are you here because of Jennifer Harbury?

A. I am here to get a better understanding of the overall human rights situation in Guatemala, as well as its progress in democratic institution building.

Q. Will you raise the Harbury case with GOG officials?

A. Yes, I will discuss this in my meetings. I will also seek a status report on other pending cases involving U.S. citizens. (If pressed) These include Sister Diana Ortiz, Michael Devine and Nicholas Blake.

Q. What has the U.S. Embassy done to bring pressure to bear on the Guatemalan government to resolve the Harbury/Bamaca case?

A. In this particular case, the Ambassador and Embassy officers have had meetings at the highest levels of the GOG --both executive and military-- requesting information and pressing for a thorough investigation of the Bamaca case.

Q. What other steps are you planning to take if there is no action?

A. We welcome President De Leon Carpio's recent decision to conduct a serious investigation into the whereabouts of Efraim Bamaca. We hope the investigation will produce timely, conclusive results.

Q. But what other pressure has or will the USG exert on Guatemala to resolve this, and other, outstanding human rights cases. Will the USG, for example, cut off aid to Guatemala, restrict trade privileges, as some are calling for?

A. We are continuing to engage the Guatemalan government to resolve the Bamaca case, and other pending cases. In our view, it would be counterproductive to talk of cutting off aid or applying other economic pressures. We have to balance three objectives in relation to human rights in Guatemala: (1) the resolution of pending individual cases; (2) institutional reforms that will improve the overall human rights situation and strengthen democratic institutions; and (3) our support for the peace process (as a member

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of the group of friends) that is a sine qua non for a normalized human rights situation. We need to move forward on all three fronts simultaneously. They are complementary, not mutually exclusive.

Q. Why is the USG siding with the URNG in seeking this guerrilla comandante?

A. We are seeking to aid an American citizen whose husband is missing; we are not taking sides.

Q. Does the U.S. Government believe that Efraim Bamaca is still alive?

A. Based on all the information available to us, from a variety of sources, we have concluded that Efraim Bamaca was taken captive by the Guatemalan Army in March 1992. He had been wounded, but his injuries were not believed to be life-threatening. We have no information to indicate that he was alive much beyond the first few weeks after his capture.

Q. What about the performance of President De Leon Carpio? Has he measured up to your expectations in the field of human rights?

A. We have had a very positive working relationship with President De Leon Carpio since he assumed the presidency last year. We will continue to seek his cooperation in resolving the pending human rights cases. Despite a serious human rights situation, we have noted some positive developments: a new criminal procedures code; progress in the peace process, including the imminent arrival of the U.N. Human Rights Verification Commission (MINUGUA); and a recently-elected reform-minded Congress and Supreme Court.

Q. Is the USG concerned about the recent spate of political killings in Guatemala? It seems that the human rights situation is getting worse, not better?

A. Of course, we are always concerned when there are serious violations of human rights in any country. The strengthening of democracy and an improvement in Guatemala's troubled human rights situation remain primary concerns of U.S. policy.

Q. What about the University of San Carlos (USAC) student who was killed by the police? The university administration and the students' association (AEU) say the Interior Minister ordered police onto the campus which is a violation of university autonomy and the rights of students. Isn't this a violation of human rights, as well?

A. We are always concerned when civil unrest results in violence and death. In such a case as this, a thorough investigation is appropriate and essential.

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Supplemental Qs & As for Assistant Secretary of State John Shattuck  
(November 10, 1994)

Q. Can you tell us who Jennifer Harbury has been meeting with in Washington, D.C.?

A. I met with Ms. Harbury. Also, other senior officials of the State Department -- a Deputy Assistant Secretary of State for Inter-American Affairs and the U.S. Ambassador to the UN Human Rights Commission -- have each met one or more times with Ms. Harbury. In addition, she will meet with NSC advisor Anthony Lake and Vice President Gore's NSC advisor, Leon Feurth, next Monday when Mr. Lake returns from Indonesia.

Q. What do you expect to be the outcome of these discussions?

A. We will continue to push for a satisfactory resolution of this case.

Q. Hasn't this case affected U.S.-Guatemalan relations negatively? We keep hearing reports that the relationship is at a low point right now due to U.S. pressure on the Guatemalan government.

A. We continue to have a good working relationship with President Ramiro De Leon Carpio and a variety of Guatemalan government officials across a whole range of issues and programs. Of course, we are pursuing a satisfactory resolution to the Harbury/Bamaca case, as well as with several other pending cases involving U.S. citizens, with the Guatemalan government. Human rights is a very important component of my government's foreign policy and unresolved human rights cases present an obstacle to completely satisfactory relations between the United States and any other country.

Q. Why did the USG suddenly change its position last week regarding knowing of Efraim Bamaca's whereabouts? Was the USG hiding information from Jennifer Harbury?

A. As you know, we are not able to discuss intelligence matters with private citizens. Within that constraint, we have been as forthcoming as possible with Ms. Harbury. A thorough review of the information in our possession led to the conclusion that Efraim Bamaca was taken captive in March 1992. Since that time, we have no information to indicate that he was alive much beyond the first few weeks after his capture.

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DATE DUE  
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ACTION ASSIGNED TO:

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STARS

ACTION REQUESTED:

HIGH PRIORITY ITEM

FORMAL STATE TO MEMO

AUG - 9 1994

PREPARE A CROSS-HATCH CABLE REPLY  
FOR PRESIDENT/VICE PRES.

STATE TRANSMITTAL FORM  
TO NSC OVP

WITH DRAFT REPLY FOR SIGNATURE  
BY: \_\_\_\_\_

SEND A COMEBACK COPY OF OUTGOING  
STATE CABLE AND ORIGINAL WH/OVP  
CORRESPONDENCE UNDER COVER OF A  
TRANSMITTAL FORM

WITH COMMENT/RECOMMENDATION

TRAVEL AUTHORIZATION

IF NO REPLY NECESSARY, RETURN ORIGINAL  
WH/OVP CORRESPONDENCE UNDER  
COVER OF A TRANSMITTAL FORM  
WITH AN EXPLANATION IN REMARKS AS  
TO WHY NO REPLY IS NECESSARY.

✓ PROVIDE INFO COPY OF DIRECT REPLY ON BEHALF OF POLKS ALONG WITH ORIGINAL  
INCOMING WH/OVP CORRESPONDENCE UNDER COVER OF A TRANSMITTAL FORM

RECOMMENDATION FOR \_\_\_\_\_ UNDER COVER OF AN ACTION MEMO WITH REPLY FOR SIGNATURE

(FOR SCHEDULE ITEMS ONLY): RECOMMENDATION FOR \_\_\_\_\_ UNDER COVER OF AN  
ACTION MEMO WITH REPLY FOR SIGNATURE OR IF DECLINED: DIRECT REPLY ON BEHALF  
OF \_\_\_\_\_

DIRECT REPLY ON BEHALF OF \_\_\_\_\_

WITH REPLY FOR SIGNATURE BY \_\_\_\_\_

FOR APPROPRIATE HANDLING

PROVIDE INFO COPY OF DIRECT REPLY TO S/S & \_\_\_\_\_

FOR YOUR INFORMATION

REMARKS/SPECIAL INSTRUCTIONS:

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/16/95  
Case ID: 951222A7

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P1:49

FROM: SAADIA SARKIS

S/S-S

TEAM: A

EXT: 7-8167

UNCLASSIFIED

9-  
E4039

August 9, 1994  
1010 Vermont Ave. N.W. #620  
Washington D.C. 20005

Mr. John Shattuck  
Department of Human Rights  
State Department  
2201 C Street N.W.  
Washington D.C. 20520

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B5, B7F

Dear Mr. Shattuck,

I appreciated the opportunity to speak with you at the recent celebratory reception following the passage of the Convention Against Torture. Needless to say, I have a great deal of interest in the subject of prevention of torture, given my husband's current situation. As I promised when we spoke, I am writing to update you on this case and to share my concerns and thoughts with you. For the reasons explained below, I believe that my husband is still alive, but that he is in danger of imminent extrajudicial execution.

I would like to start by summarizing the evidence. My husband, Efrain Banaca Velasquez, is a Mayan Comandante of the U.R.N.G. forces. When he vanished in combat on March 12, 1992, he had been in the mountains for some seventeen years. He was the only U.R.N.G. combatant to disappear during the skirmish, which took place at the Rio Ixcucua. The following day, the army announced that its troops had found a cadaver in olive green at that site, and had sent the body to Retalhuleu for burial. The U.R.N.G. then contacted Ramiro De Leon Carpio, who was then the human rights ombudsman (and is now the President of Guatemala), asking him to contact the army and get a description of the body, which by law had been buried within twenty four hours. De Leon Carpio then sent a letter stating that the person had died by shooting himself through the mouth, and giving a description which matched that of my husband, feature by feature, and to the centimeter.

A young man named Santiago Cabrera Lopez ("Carlos") escaped in late 1992 from a military base. He had formerly been a combatant in my husband's military unit, and had been captured by the army in 1991. He described what appears to be a new army experiment aimed at "breaking" certain prisoners by a combination of torture and psychological abuse until they snap, and begin working for army intelligence. The goal is not to kill these select prisoners, but to break them. (This was done in the 1980s quite successfully in the case of a priest named Pellecer.) Santiago saw my husband dragged into a military base on March 12, 1992. He saw him chained to a bed undergoing interrogation for several weeks. He also saw him in late July of 1992 in a different base. This time my husband was strapped to a metal table, his body terribly swollen, and with one arm and leg

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AMEMBASSY GUATEMALA  
CONSULAR SECTION

heavily bandaged. A doctor had been sent for to make sure that they did not accidentally kill him. Carlos has named the high level officials carrying out and supervising this torture. Two are graduates of the School of the Americas. Santiago saw my husband once again a day or so later. He was still alive, although he looked ill. Thirty five other secretly detained prisoners have also been identified by eye witnesses. These will not try to escape, as they have been told that their families will be killed if they do so. Santiago's family is no longer in Guatemala.

I returned to Guatemala in 1993 and demanded an exhumation of the body in the Retalhuleu grave. It contained the cadaver of a young person in olive green who was far smaller and younger than my husband. The deceased had two metal caps or "coronas" on the front teeth. My husband has no such caps. The deceased also lacked my husband's extraction. I examined the skull personally, as did the local forensic physician and a U.S. forensic expert. I also obtained a copy of the autopsy report, filed March 13, 1992, the same day the body arrived from the combat site. The young man had been tied by the ankles, fingerprinted, shot, stabbed, strangled, beaten, and had a skull crushed by blows.

In short, the army had captured my husband alive on March 12, 1992 and taken him to an army base to torture him for his information and to obtain his collaboration. To conceal this fact and avoid international outcry, they brought another much younger prisoner to the same combat site and beat him to death there. They then notified the press of the "discovery" of the body. When the U.R.N.G. requested a description, they received a perfect description of my husband instead of the younger prisoner actually killed and buried.

I have spoken on numerous occasions with General Enriquez and other high level officials in the Guatemalan army. They try to tell me that they never had my husband in the first place, that they just found a body and that I myself say it is not him. But if they never had Efraim in the first place, where did the perfect feature by feature, to the centimeter description of him come from and why did they send it to the U.R.N.G. when they were asked for a description of the body? Then the officials try to tell me that someone in the U.R.N.G. must have switched the body in the grave in order to discredit the army. This doesn't work either. The autopsy was performed the same day the body was brought in from the combat site. It was never my husband in the first place. (The young deceased person was 15 years younger, 5 centimeters shorter, with different eyes, mustache and scars.) Moreover, the same forensic doctor who performed the autopsy was present at the exhumation. He confirmed that the body in the grave was the same one.

Since I returned to the United States last fall, there has been a great deal of international outcry over this case. Numerous human rights and religious organizations have written

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letters of protest, as have many members of the Senate and Congress. The Inter-American Commission of Human Rights has issued interim protective orders on behalf of the prisoners. Also, Monica Pinto, the United Nations Special Expert for Guatemala, specifically mentioned this case in her 1994 discourse at the U.N. Commission on Human Rights conference in Geneva. For your convenience, I am enclosing much of this documentation.

This pressure seems to have had some indirect effects. Funding from Washington, including ESF funds, ran into some difficulties as a result of ongoing human rights violations, with this case having a very high profile. When I again met with General Enriquez in January of 1994, we had, for the first time, a discreet but positive conversation. I had originally asked that all thirty six prisoners, including my husband, be turned over to the courts for fair trials and treatment in accordance with the basic norms of international humanitarian law. In return I offered to drop the OAS charges, and sign a legal waiver of my right to prosecute the high level military officials named by Santiago. The General did not accept this, though he was clearly interested, and stressed that he too wanted a reasonable solution to this situation. He never admitted having my husband, but was quite eager to talk over the possibilities. He began suggesting that perhaps Efrain had decided to travel to Texas to be with me. When I laughed this off, he seemed quite disappointed. I left, puzzled.

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My visit to our own Embassy was far less positive on this visit. Whereas previously Marilyn MacAffee has been cheery and supportive, (sending an embassy person to attend the exhumation with me, and helping to set up the meeting with Enriquez in January), she was quite different now. I had seen a letter she had written to Rep. Morella requesting that my case be deleted from the Congressional resolution. Morella declined to do so. I asked MacAffee for an explanation, stating that treating this case differently than the others would send a green light to the army to kill the prisoners. Human rights must apply equally to everyone, or they become meaningless. She told me that she had always treated this case equally to the others. I mentioned the letter and she appeared flustered, telling me she would have to review her files.

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[REDACTED]

MacAffee then told me that I really had no reason to still think that the prisoners were still alive, and spoke so negatively that I became convinced, for a moment, that she had received news of their deaths. When I asked her this point blank, she insisted that she had no such information, but was simply being realistic in view of the time that has passed. She also stated I had no real evidence that the other 35 prisoners really exist. She did, though, admit there was compelling evidence about my husband's capture. This made no sense to me. Why would Santiago tell the truth about my husband yet fabricate thirty five others? Moreover three of these have appeared on Guatemalan television. I mentioned the General's very public and dramatic statements in Washington. Why would he make such statements if he knew my husband were actually dead? The Ambassador responded that our military attache, Col. Keller had been present and had not heard any such comments. She then insinuated that I was putting words in the General's mouth out of a need to keep my hopes up. This discussion took place in front of Pat Davis of the Guatemalan Human Rights Commission.

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I later spoke with Colonel Keller directly, and repeated what I had heard at the reception in January. I asked him what he had heard, and he replied, "That's what I heard". Pat Davis was again present. As we were speaking, the Ambassador entered, and I repeated what I heard the General say in D.C. at the reception, and again asked Keller what he had heard. He repeated that he had heard the same thing.

I had also asked our Ambassador what steps were being taken in the case currently. She repeated that she has frequently "mentioned" it. I asked what would be done if the prisoners were assassinated. She made it clear that there would be no consequences.

On my return to the U.S. I met a journalist called to

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verify a quote given by a State Department official about my position on the case. The statement in question claimed that I had said I was very angry with the U.R.N.G. leadership for not negotiating this case at the peace talks. My position on this matter has always been extremely clear. The agenda issues in the peace talks are matters of public interest for the whole country, such as labor rights, human rights, and the role of the army in a civilian government. These issues belong to the people of Guatemala and cannot be bartered for an individual or personal friend. This would be a conflict of interest. My husband himself would greatly disapprove of this. I have spoken to Mr. Jean Arnault about this matter. We agree that it could only be appropriately handled as a "Gentleman's Agreement" apart from the negotiations. Needless to say, this is not what the army wants. They want to use my husband as a bargaining chip to gain the upper hand at the peace talks on major agenda issues.

All of these changes are very disturbing, to say the least. I note that Vice President Gore has been touring the region, discussing NAFTA and the interim trade program for central America. Our State Department has been playing a very strong role in the peace talks in Guatemala. This case is, of course, quite embarrassing for the talks, as it proves that the army is negotiating in bad faith. The military officers literally sit at the peace table telling the U.R.N.G. leadership to lay down their guns and come home on the basis of trust, even as they hold a founder and Comandante in a secret prison, submitting him to torture. Worse yet, they are already in violation of their recently signed human rights accord, which specifically covers the treatment of prisoners and is legally in effect at this time.

I fully recognize the political sensitivity of this case. However, our country must always take a very firm stand indeed on human rights. Torture, clandestine prisons and extrajudicial executions can never be tolerated. These principles can not vary according to the political position of the victims. If the Guatemalan army is allowed to kill these prisoners with impunity in the face of the international outcry taking place, despite the clear evidence, and in defiance of the pronouncements of the international human rights organizations, then no Guatemalan will be safe in the future. This is not an individual case. It is a test case. Will our nation allow these murders or not?

Mr. Shattuck, I am asking you to take urgent action in this matter. As the human rights violations escalate today in Guatemala, it is clear to me that my husband has very little time left. I will be in Guatemala for most of August, and will again push as hard as I can for a quiet settlement of this matter. For this reason I again stress the extremely sensitive and confidential nature of this letter. Meanwhile, if the Department of State could take a firmer stand on this case, and insist that the army present the prisoners to the courts, it would greatly assist me.

I will contact you on my return to Washington D.C. later in August. You can reach me at 202-783-6666. Thank you for your time and consideration.

Sincerely,

*Jennifer Harbury*  
Jennifer Harbury

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United States Department of State

Washington D.C. 20520

September 1, 1994

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Thank you for your recent letter to Senator Kohl concerning the welfare of Guatemalan national Efraim Pamac Velasquez and other matters pertaining to Guatemala. Senator Kohl has asked this office to reply on his behalf.

Mr. Pamaca, a top field Commander of the Guatemala National Revolutionary Unity (URNG) said to be personally close to guerrilla leader Rodrigo Asturias (aka "Gaspar Ilon"), disappeared after a March 12, 1992, clash with a Guatemalan army unit near Retalhuleu. Shortly thereafter, the URNG made inquiries concerning his whereabouts and learned he reportedly had been buried after the clash in an anonymous grave nearby. In February 1993 two URNG guerrillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerrillas claimed to have seen Mr. Pamaca in March and July of 1992.

The State Department shares your interest in learning more about Mr. Pamaca's welfare and whereabouts. Ms. Anne Patterson, Deputy Assistant Secretary for Central American Affairs, has met with Ms. Harbury to discuss this case. Ms. Marilyn McAfee, the U.S. Ambassador to Guatemala, has done the same. Our embassy continually emphasizes the importance of respect for human rights in its communications with Guatemalan government officials, and we will continue to pursue the Pamaca case.

The grave in Retalhuleu said to be that of Mr. Pamaca has been the subject of two exhumation proceedings. The first such proceedings took place in 1992, with the assistance of the Office of the Human Rights Ombudsman. Then Attorney General Arcadio Valladares appeared at the scene, however, and suspended proceedings on the grounds that there was no way to identify the exhumed body. Ms. Jennifer Harbury, wife of Mr. Pamaca, contacted the Embassy on March 7, 1993, to request assistance in determining Mr. Pamaca's whereabouts.

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A U.S. forensic expert and a Guatemalan forensic team on August 17 participated in a second effort to exhume the grave in Retalhuleu. Mr. Harbury, a representative of the Consular Section of the U.S. Embassy in Guatemala, and international human rights observers were also present. Following an exhaustive effort, all present concluded that the body in the grave was not that of Efraim Samaca Velasquez. Guatemalan authorities state that Mr. Samaca's case will remain open until he is found.

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that Human Rights Watch/Americas recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Samaca.

In your letter you raised or made reference to a number of other issues pertaining to Guatemala. For that reason, I am enclosing a fact sheet addressing a range of issues which comprise the U.S.-Guatemala relationship.

I hope this information will be helpful.

Sincerely,



Hugh V. Simon  
Acting Director,  
Office of Central American Affairs

Enclosure: U.S. Policy Toward Guatemala

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drafted: ARA/CEN: JConnerley  
cleared: DRL - RLyons  
:H - JTrepasco

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CONFIDENTIAL

GUATEMALA 08176

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INFO: MILG-1 DAO-1 AMB-1 NAS-1 USIS-1 AID-1 ECON-1 POLII-1 DCM-1  
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INFO RHLBAAA/USCINCSO QUARRY HEIGHTS FM

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RUEKJCS/SECDEF WASHDC

RUEHTG/AMEMBASSY TEGUCIGALPA 0963

RUEHSN/AMEMBASSY SAN SALVADOR 4463

RUEGHD/USLO CARIBBEAN

RUEHZP/AMEMBASSY PANAMA 0585

BT

CONFIDENTIAL SECTION 01 OF 05 GUATEMALA 008176

SECDEF FOR AMBASSADOR MARI-LUCI JARAMILLO

E.O. 12356: DECL: OADR

TAGS: AMGT, GT

SUBJECT: DASD JARAMILLO VISIT WITH GUATEMALAN MINISTER OF  
DEFENSE

1. CONFIDENTIAL -- ENTIRE TEXT.

2. SUMMARY: DASD, AMBASSADOR MARI-LUCI JARAMILLO, CONDUCTED AN INITIAL COURTESY CALL ON AUGUST 23 WITH THE GUATEMALAN MINISTER OF DEFENSE, GEN ENRIQUEZ. SHE WAS ACCOMPANIED BY AMB, DASD COUNTRY DIRECTORS, MILGP CDR, AND DART. GEN ENRIQUEZ DISCUSSED THE RECENT INSURGENT ATTACK ON AN ARMY PATROL BASE WHICH INDICATED TO HIM THAT THE URNG WAS LOSING CONTROL OF ITS UNITS. AMB JARAMILLO AND AMB MCAFEE USED THE MEETING TO PRESS THE MOP ON SEVERAL HUMAN RIGHTS ISSUES. THE MOD INSISTED THAT THE ARMY DID NOT HAVE IN CUSTODY GUERRILLA LEADER EFRAIN BAMACA, THE HUSBAND OF U.S. CITIZEN JENNIFER HARBURY. HE SPECULATED THAT BAMACA MIGHT STILL BE ALIVE SOMEWHERE, HOWEVER. HE INSISTED THAT CPT CONTRERAS CANNOT BE FOUND DESPITE THE D-2'S BEST EFFORTS, BUT THAT THE ZONE COMMANDER AT THE TIME OF THE MURDER WOULD NOT BE PROMOTED TO GENERAL OFFICER.

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GUATEMALA 08176

United States Department of State  
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Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
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Jennifer Harbury Papers

Notre Dame Latin American Collection



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GUATEMALA 08176

GROUP THAT ATTACKED THE BASE WAS AN EGP (PEOPLE'S  
GUERRILLA ARMY) UNIT UNDER THE COMMAND OF FRANCISCO TUYUC

ELASQUEZ, THE BROTHER OF ROSALINA TUYUC, DIRECTOR OF  
CONAVIGUA (NATIONAL COORDINATOR OF GUATEMALAN WIDOWS).  
HIS EGP UNIT'S INVOLVEMENT WAS  
CONFIRMED BY INITIALS FOUND  
ON EXPENDED INSURGENT SHELL CASINGS IN THE AREA OF THE  
ATTACK.

JENNIFER HARBURY CASE

6. AMB JARAMILLO THANKED THE MOD FOR HIS INSIGHTS  
CONCERNING THE RECENT INSURGENT ATTACK. SHE CONTINUED

THAT SHE WANTED TO BE FRANK AND HONEST BY ASKING THE MOD  
UP FRONT ABOUT TWO PARTICULAR HUMAN RIGHTS CASES WHICH  
CONTINUE TO BE OF SPECIAL CONCERN TO THE U.S. GOVERNMENT.  
THE FIRST CASE IS THE MISSING HUSBAND OF U.S. CITIZEN  
JENNIFER HARBURY, EFRAIN BAMACA, AKA COMANDANTE EVARADO.  
GEM ENRIQUEZ RESPONDED THAT OF COURSE HE WAS VERY FAMILIAR  
WITH THIS CASE, HAVING PERSONALLY SPOKEN WITH JENNIFER  
HARBURY FOUR OR FIVE TIMES ABOUT HER MISSING HUSBAND. GEM  
ENRIQUEZ STATED EMPHATICALLY THAT THE ARMY DID NOT HAVE  
BAMACA. GEM ENRIQUEZ EXPLAINED THAT HE WOULD BE DELIGHTED  
IF BAMACA WERE FOUND ALIVE, AND THAT IF THE ARMY HAD HIM  
HE WOULD HAVE BEEN TURNED OVER TO JENNIFER LONG AGO.

7. GEM ENRIQUEZ CONTINUED THAT PERHAPS BAMACA IS ALIVE  
SOMEWHERE, BECAUSE IT IS ONLY IN URNG INTERESTS THAT HE  
CONTINUES TO BE DISAPPEARED. GEM ENRIQUEZ ADDED THAT  
THERE ARE DOUBTS SURROUNDING THE CASE. DURING THE FIRST  
DISINTERMENT TO FIND BAMACA'S BODY IN RETALHULEU,  
JENNIFER HARBURY DID NOT CLAIM TO BE HIS WIFE. THEN SHE  
RETURNED TO THE U.S., TOOK OUT A MARRIAGE LICENSE, AND  
ONLY THEN CLAIMED TO BE HIS WIFE SO THE DISINTERMENT  
COULD CONTINUE. THE MOD SPECULATED THAT BAMACA COULD BE  
ALIVE SOMEWHERE. HE COULD EVEN BE IN CHIAPAS WITH THE  
ZAPATISTA GUERRILLAS--THERE IS REPORTEDLY A UNIT OF THE  
ORPA DESIGNATED ORPAC (REVOLUTIONARY ORGANIZATION OF THE  
PEOPLE IN ARMS CHIAPAS) CURRENTLY WITH THE ZAPATISTA  
GUERRILLAS THERE. (NOTE: BAMACA SERVED IN THE LUIS IXMATA  
FRONT OF THE ORPA ORGANIZATION. WHILE THE MOD HAS  
MENTIONED THE EXISTENCE OF AN ORPA-CHIAPAS UNIT BEFORE,  
THE EMBASSY HAS BEEN UNABLE TO OBTAIN ANY INFORMATION  
CONFIRMING THE EXISTENCE OF SUCH AN ORPA PRESENCE IN  
CHIAPAS.) IF HE IS STILL ALIVE SOMEWHERE OUTSIDE OF ARMY  
CONTROL, PERHAPS HE COULD TURN HIMSELF IN TO THE UN HUMAN  
RIGHTS VERIFICATION TEAMS THAT WILL SOON ARRIVE IN  
GUATEMALA.

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AMB MCAFEE HAD ALSO RAISED THE JENNIFER HARBURY CASE WITH THE MOD THE NIGHT BEFORE AT A DINNER IN HONOR OF AMBASSADOR JARAMILLO. GEM ENRIQUEZ AGAIN SAID THAT HE HAD NO IDEA WHERE BAMACA HAS, AND EVEN SUGGESTED THAT HE THOUGHT THAT THE BODY DISINTERRED IN RETALHULEU IN AUGUST 1993 REALLY HAS BAMACA'S. THE AMB RETORTED THAT SHE DIDN'T BELIEVE THAT. GEN ENRIQUEZ WENT ON TO SAY THAT HE HOPED THAT BAMACA WAS ALIVE, THAT THE ARMY'S INTEREST WAS BEST SERVED IF THAT WERE THE CASE. HE AGREED TO MEET WITH JENNIFER HARBURY ONCE AGAIN WHILE SHE WAS VISITING GUATEMALA. AMBASSADOR MCAFEE EMPHASIZED TO THE MOD THAT THIS CASE CONTINUED TO BE OF HIGH PRIORITY.

#### MICHAEL DEVINE CASE

9. AMB JARAMILLO CONTINUED BY RAISING THE MURDER OF MICHAEL DEVINE BY ARMY INTELLIGENCE SPECIALISTS IN 1990, AND THE SUBSEQUENT ESCAPE OF CPT HUGO CONTRERAS IN 1993 WHEN HE LEARNED OF HIS TWENTY YEAR PRISON SENTENCE FOR HIS INVOLVEMENT IN THE CASE. GEM ENRIQUEZ RESPONDED THAT HE HAD MADE AN UNSUCCESSFUL EFFORT TO PERSUADE CPT CONTRERAS TO TURN HIMSELF IN

HE HAD TRIED TO PERSUADE HIM THAT SUPREME COURT PRESIDENT RODIL HAD NOT RECEIVED USD 50,000 OF AID MONEY IN RETURN FOR A CONVICTION AND HARSH SENTENCE AGAINST CPT CONTRERAS, BUT WOULD PROVIDE A FAIR REVIEW OF THE SENTENCE IN HIS CASE. AT ONE POINT HE HAD EVEN OFFERED HIS OWN SON TO ACCOMPANY CPT CONTRERAS TO ENSURE HIS SECURITY WHILE HE TURNED HIMSELF IN TO AUTHORITIES.

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10. GEM ENRIQUEZ CONTINUED THAT HE WISHED HE COULD FIND CPT CONTRERAS. HE ADMITTED THAT THERE MAY BE A SECTOR OF OFFICERS FROM CPT CONTRERAS' ACADEMY CLASS HELPING TO HIDE AND PROTECT HIM. HE HAD RECEIVED UNCONFIRMED REPORTS THAT CPT CONTRERAS WAS ACTUALLY IN LOURDES (THE GT MILITARY OFFICER HOUSING AREA IN GUATEMALA CITY), OR IN MEXICO. ONLY RECENTLY HE HAD COMPLETED A COMPLETE TURNOVER IN D-2 INTELLIGENCE) PERSONNEL, BUT THE NEW PERSONNEL HAD SEARCHED EVERYWHERE AND CANNOT FIND CPT CONTRERAS. HE AGAIN REITERATED THAT COLONEL GARCIA CATALAN (THE MILITARY ZONE 23 COMMANDER AT THE TIME OF THE MURDER) WILL NOT BE PROMOTED TO GENERAL OFFICER UNTIL THE CASE IS COMPLETELY RESOLVED. HE EMPHASIZED THAT HE HAD TOLD GUATEMALAN OFFICERS, THAT THIS POSITION WAS HIS ALONE, AND NOT AS A RESULT OF U.S. EMBASSY PRESSURE.

#### CIVIL DEFENSE PATROLS

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FM AMEMBASSY GUATEMALA

TO RUEHC / SECSTATE WASHDC PRIORITY 1877

INFO RUEHZA / AAA CENTRAL AMERICA

RUCNDT / USMISSION USUN NEW YORK 5092

RUEHME / AMEMBASSY MEXICO 7752

RUEHMD / AMEMBASSY MADRID 2159

RUEHCY / AMEMBASSY CARACAS 3220

RUEHFO / AMEMBASSY BOGOTA 1339

RUEKJCS / DIA WASHDC

RUEHAAA / USCINCSO QUARRY HEIGHTS 24

BT

CONFIDENTIAL SECTION 01 OF 02 GUATEMALA 01483 -

CINCSO FOR POLAD

E.O. 12356: DECL: OADR

TAGS: PINS, PTER, PREL, PHM, MARR, PGJV, GP

SUBJECT: [REDACTED]

1. CONFIDENTIAL -- ENTIRE TEXT.

2. SUMMARY: [REDACTED]

[REDACTED] BELIEVES IT WILL BE  
 VERY DIFFICULT FOR THE GCG TO AGREE TO A TRUTH  
 COMMISSION AND ASSERTED DE LEON SUPPORTED SUCH A BODY  
 WHEN COMBUDSMAN. ORPA COMANDANTE SANTIAGO HAS NOW  
 RETIRED FROM THE GUERRILLA MOVEMENT. HE REPORTEDLY  
 TOLD [REDACTED] THAT RAMACA IS DEAD,  
 LIKELY KILLED OR FATALLY WOUNDED IN A PRE-MARCH 12,  
 1992 CLASH. END SUMMARY.

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CLASS: CONFIDENTIAL  
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CASE -

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Jennifer

Hudsony

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Guatemala 3/27/96  
 Ramaca/Harbury  
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 Date: 08/18/95  
 Case ID: 951222A9

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[REDACTED] B1,A5

PEACE PROCESS

UNCLASSIFIED

5. ASKED ABOUT THE LOCAL PEACE PROCESS, [REDACTED] IS CONCERNED OVER THE MILITARY'S STANCE VIS-A-VIS A TRUTH COMMISSION. HE HAD ASKED DE LEON [REDACTED] MEETING ABOUT THE PROSPECTS FOR PROGRESS AT THE NEXT NEGOTIATING ROUND AND RECEIVED THE AMBIGUOUS RESPONSE THAT "IT WON'T TURN OUT LIKE PEOPLE EXPECT." DE LEON THEN OFFERED THE SLIGHTLY-LESS DELPHIC COMMENT THAT IT WAS IMPORTANT THE PEACE PROCESS LOOK TO THE FUTURE, NOT THE PAST.

B1,A5

B1,A5

6. WAS THIS AN INDICATION THAT DE LEON DID NOT INTEND TO AGREE ON A REVIEW OF PAST ABUSES? [REDACTED] SAID HE DID NOT KNOW. HE DID RELATE THAT WITH GENERAL ARGUMENTS ON THE PEACE TEAM IT WOULD BE HARD FOR IT TO AGREE ON A COMMISSION. [REDACTED]

B1,A5

[REDACTED] ALSO CONFIRMED THAT DE LEON, WHEN OMBUDSMAN, BACKED A COMMISSION. [REDACTED] THE DRAFT DESIGN OF THE COMMISSION WAS WORKED OUT BETWEEN DE LEON AND THE THEN-GOVERNMENT.

B1,A5

B1,A5

SANTIAGO

117. THE SAGA OF ORPA COMANDANTE SANTIAGO IS NOW APPARENTLY AT AN END. [REDACTED] SANTIAGO LEFT ORPA ON DECEMBER 24, MOVING OUT OF GUATEMALA AND MEXICO. IN A TENSE DECEMBER 24 MEXICO CITY MEETING, SANTIAGO REPORTEDLY TOLD ASTURIAS HE WAS LEAVING. THOUGH HE WOULD MAKE NO PUBLIC STATEMENTS THAT COULD HURT THE INSURGENT MOVEMENT. [REDACTED] SANTIAGO TURNED DOWN MONETARY OFFERS TO STAY AND TOLD ASTURIAS THAT IF HE DID NOT LEAVE THE MEETING BY A CERTAIN

B1,A5

B1,A5

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CONFIDENTIAL

GUATEMALA 001493/21

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SOME PEOPLE NEAR THE MEETING PLACE WOULD  
[REDACTED] INTENDS TO HELP SANTIAGO  
GO TO COSTA RICA AND SET UP A BUSINESS. CURRENTLY,  
SANTIAGO'S OLD MEO SCHOOL FRIENDS ARE HELPING HIM  
FINANCIALLY.

B1,A5

BAMACA

UNCLASSIFIED

8. ASKED IF SANTIAGO EVER SPOKE OF BAMACA, [REDACTED]  
[REDACTED] REPLIED HE HAD, SINCE BAMACA WAS  
THE NUMBER THREE OR FOUR UNDER HIS COMMAND. [REDACTED]  
[REDACTED] BAMACA WAS MISSING SHORTLY BEFORE THE  
MARCH 12, 1992 CLASH WHEN HE WAS SUPPOSEDLY KILLED OR  
CAPTURED. THE NOW-RETIRED CRPA LEADER HAD SAID  
BAMACA WAS PROBABLY KILLED IN A PRE-MARCH 12  
CONFRONTATION, THOUGH THERE WAS A VERY SLIGHT CHANCE  
HE WAS CAPTURED IN BATTLE, THOUGH TOO SERIOUSLY  
WOUNDED TO LIVE LONG. SANTIAGO REPORTEDLY SAID  
BAMACA NEVER SPOKE OF HARBURY OR OF BEING MARRIED.  
[REDACTED] BELIEVES THE TWO MAY HAVE NEVER  
MET AND OBSERVED HE HAD NEVER HEARD OF ANYONE WHO HAD  
SEEN A PHOTO OF THE TWO TOGETHER. (NOTE: THIS IS A  
SECOND HAND ACCOUNT AND SHOULD BE READ AS SUCH. SOME  
SGG OFFICIALS HAVE MADE THE SAME PHOTO POINT TO  
POLOFF, OBSERVING THAT HARBURY HABITUALLY ONLY SHOWS  
BAMACA'S ENLARGED CEDULA PICTURE.)

B1,A5

B1,A5

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C O N F I D E N T I A L

GUATEMALA 001483/02

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UNCLASSIFIED

Classification

RELEASED

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*E4106*

DIST TO:  
ORIG TO WH  
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S/S-S  
DRL  
WIS/CLB  
DIS

DEPARTMENT OF STATE  
EXECUTIVE SECRETARIAT

TRANSMITTAL FORM

S/S 9420552

Date September 20, 1994

FOR: Mr. William Itoh  
Executive Secretary  
National Security Council Staff  
The White House

REFERENCE:

To: President Bill Clinton.

From: Matthew P. Sieradski

Date: Sep 20, 1994

Subj: Welfare of Kfirain Ameca Valanquez

94 SEP 20 15:38

WH Referral Dated: \_\_\_\_\_  
NSCS ID# (if any): \_\_\_\_\_

\_\_\_\_\_ The attached item was sent directly to the Department of State.

ACTION TAKEN:

- \_\_\_\_\_ A draft reply is attached.
- \_\_\_\_\_ A draft reply will be forwarded.
- \_\_\_\_\_ A translation is attached.
- xx An information copy of a direct reply is attached.
- \_\_\_\_\_ We believe no response is necessary for the reason cited below.
- \_\_\_\_\_ The Department of State has no objection to the proposed travel.
- \_\_\_\_\_ Other (see remarks).

REMARKS:

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/16/95  
Case ID: 951222A9

*gham*  
*ps*

*Robert L. Bofford*



## DEPARTMENT OF STATE

EXECUTIVE SECRETARIAT

DATE: SEP - 9

DATE DUE  
IN S/S BY: 9-19-94

RELEASED

(Classification/Downgrader)

C/S CONTROL NUMBER

ACTION ASSIGNED TO:

ARA ~~WHL~~ CEN

9420552

5703

ACTION REQUESTED:

HIGH PRIORITY ITEM

☐ FORMAL STATE TO MEMO☒ STATE TRANSMITTAL FORM  
TO NSC ☒ OVP☐ WITH DRAFT REPLY FOR SIGNATURE  
BY: \_\_\_\_\_☐ WITH COMMENT/RECOMMENDATION☐ TRAVEL AUTHORIZATION☐ PREPARE A CROSS-HATCH CABLE REPLY  
FOR PRESIDENT/VICE PRES.☐ SEND A COMEBACK COPY OF OUTGOING  
STATE CABLE AND ORIGINAL WH/OVP  
CORRESPONDENCE UNDER COVER OF A  
TRANSMITTAL FORM.☐ IF NO REPLY NECESSARY, RETURN ORIGI-  
NAL WH/OVP CORRESPONDENCE UN-  
DER COVER OF A TRANSMITTAL FORM  
WITH AN EXPLANATION IN REMARKS AS  
TO WHY NO REPLY IS NECESSARY.☒ PROVIDE INFO COPY OF DIRECT REPLY ON BEHALF OF Pres. ALONG WITH ORIGINAL  
INCOMING WH/OVP CORRESPONDENCE UNDER COVER OF A TRANSMITTAL FORM☐ RECOMMENDATION FOR \_\_\_\_\_ UNDER COVER OF AN ACTION MEMO WITH REPLY FOR SIGNATURE☐ (FOR SCHEDULE ITEMS ONLY: RECOMMENDATION FOR \_\_\_\_\_ UNDER COVER OF AN  
ACTION MEMO WITH REPLY FOR SIGNATURE OR IF DECLINED: DIRECT REPLY ON BEHALF  
OF \_\_\_\_\_)☒ DIRECT REPLY ON BEHALF OF Pres. \_\_\_\_\_ FOR APPROPRIATE HANDLING☐ WITH REPLY FOR SIGNATURE BY \_\_\_\_\_ FOR YOUR INFORMATION☐ PROVIDE INFO COPY OF DIRECT REPLY TO S/S & \_\_\_\_\_

REMARKS/SPECIAL INSTRUCTIONS:

CLEAR WITH:

COPIES TO:

___ S	___ S/S
___ DONTLON	___ S/S-O
___ D	___ S/S-EX
___ P	___ S/S-S
___ B	___ S/S-C
___ T	___ S/S-IRM
___ M	___ S/S-IRM/RMD
___ G	

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___ DS
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___ EBOCR
___ FMP
___ H-2
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___ M/FSI
___ M/OPM
___ M/WHL
___ PM
___ PRM
___ OES
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___ S/SAH
___ USUN/W
___ ACDA
___ USAID
___ USIA

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/16/95  
Case ID: 951222A9

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Jennifer Harbury Papers

Nettie Lee Benson Latin American Collection

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RELEASED

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September 27, 1994

Jennifer Harbury  
1010 Vermont Ave., N.W., Apt. 620  
Washington, D.C. 20005

Dear Ms. Harbury:

Thank you for your letter of August 9. I read with great interest the extensive information you provided on your most recent efforts to determine the fate of your husband, Efrain Bamaca Velasquez. As you know, our Embassy in Guatemala continues to press the Government for information on his case. To date, however, we have received no further information on him or the others you discuss in your letter who have reportedly been held prisoner by Guatemalan security forces. I have sent a copy of your letter to the Office of Central American Affairs and will also forward a copy to Ambassador McAfee.

As you noted in your letter, the effort to reach a peace agreement continues to be a high priority for everyone concerned about Guatemala. The United States has officially joined the group of "Friends" participating in the effort. The Human Rights Verification Mission agreed to in January has now been established. In addition, as I am sure you know, the accords signed thus far call for a Historical Commission to investigate human rights violations on both sides.

In the meantime, we continue to press for information about your husband and, more broadly, for an end to human rights violations and impunity in Guatemala.

Once again, thank you for your letter. I will let you know if any additional information comes to light on your husband's case.

Sincerely,

327225  
AMEMBASSY GUATEMALA  
CONSULAR SECTION

John Shattuck  
Assistant Secretary  
Democracy, Human Rights and  
Labor

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/16/95  
Case ID: 951222B0

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AFFIDAVIT

COUNTY OF  
STATE OF

RELEASED

I, Jennifer Kristina Harbury, a United States citizen, forty two years of age, and of sound mind, swear that the following statement is true and correct:

TESTIMONY

My name is Jennifer Kristina Harbury. I was born on October 27, 1951 in Baltimore, Maryland and I am a citizen of United States. My father, a Professor of Biochemistry and my mother, a homemaker, raised me and my three siblings in New England. I received my B. A. degree in Asian studies from Cornell University in 1974, and my J.D. degree from the Harvard School of Law in 1978. After graduating I moved to Texas to work with migrant farmworkers. As discussed below, I have also spent time performing human rights activities in Guatemala. My book, "Bridge of Courage" documents the tragic civil war in that country, and was published by Common Courage Press in 1993. My interest in the human rights situation is more than academic, however. My husband, Efrain Bamaca Velasquez, is a Mayan citizen of Guatemala. He is known as Comandante Everardo of the Guatemalan National Revolutionary Union, or U.R.N. G. forces. Since March of 1992 he has been unlawfully detained and mentally and physically abused by the Guatemalan army. Since his abduction, I have committed all of my time and resources to saving his life.

I first became interested in Guatemala in the early 1980s, when literally thousands of Guatemalan refugees began to arrive at the Texas-Mexico border. Many were fleeing the massacres and scorched earth campaigns carried out by the Guatemalan army as part of its counter-insurgency campaign. Others were fleeing the officially sponsored repression in the cities. My immigration lawyer friends had difficulties in obtaining political asylum for these clients. One of the obstacles was the lack of adequate documentation. In that era, there were no human rights organizations operating in Guatemala, not even the International Red Cross. For this reason I decided to travel to Guatemala myself, and compile evidence about the ongoing human rights situation.

I arrived in Guatemala in the spring of 1985, not long after the assassinations of Rosario Godoy de Cuevas and Hector Gamez, two founding members of the Grupo de Apoyo Mutuo, or GAM, a recently formed mutual support group for relatives of the "disappeared". Rosario had been murdered together with her 19 year old brother and her two year old son. Originally, I had planned to stay in Guatemala for only a few months, but in the

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B1

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end I remained for most of 1985 and 1986. During that time I travelled extensively throughout the country, to the Peten, to the Ixcan, to the Verapaz area, to the Ixil triangle, and through the southwest. I compiled testimonies as to the ongoing human rights violations, and assisted the victims of the repression in any way that I could.

I left Guatemala in late 1986. I had noticed that my activities and meetings were being monitored and I did not wish to place my friends in any danger. Back in Texas, I began to work on a book about the ongoing civil war in Guatemala. I believed that my best contribution to peace in that country would be to make the circumstances and realities of this war better known and understood by the international community. It was my hope that this, in turn, would lead to a better foreign policy in the United States. I was particularly interested in educating the public about the U.R.N.G., given the dearth of information on this topic in the U.S. press, and in books covering Guatemala. I had known number of U.R.N.G. members during my time there, and wished to break the existing stereotypes about them. For the next several years I travelled extensively, compiling interviews and information, and worked at writing the book. It was in this way that I met my husband, Efrain Bamaca Velasquez, or Comandante Everardo.

In 1990 I travelled to Guatemala and climbed the volcano Tajumulco in order to interview various U.R.N.G. combatants in the "Luis Ixmata" frente of O.R.P.A., one of the four member organizations composing the U.R.N. G. The Comandante of that frente, "Everardo", ( whose legal name is Efrain Bamaca Velasquez), was responsible for arranging my interviews and for assuring my safety. I remained in the volcano with the frente for one month, and many of the life stories I heard there are included in my book, "Bridge of Courage". I became close friends with Comandante Everardo during that month but it was not until 1991 that we saw eachother again and became a couple.

In 1991, Everardo wrote me from Mexico City. He had arrived to do some preparatory work for the peace negotiations. At the time, the agenda item of human rights was being discussed. However, the next issue on the agenda was equal rights for the Mayan people of Guatemala. Everardo is a Mayan villager himself, who learned to read and write in the mountains. His first language is Mam, and he had grown up in an impoverished Mayan community on the southwest coast. (He was born on June 18, 1957 on the Finca El Tablero, El Tumbador, San Marcos). He was also one of the last surviving Mayan Comandantes. For this reason, the U.R.N. G. had called him to Mexico City to work on the preparations and position papers for the theme of indigenous rights. I came to Mexico immediately and we spent many happy months together. We were married on September 25, 1991 during a stay in Texas.

In January of 1992, Everardo had to return to his frente. His compañeros were going through a transitional phase of the war, and needed his leadership. He was to return for Guatemala for a few months, then come back to Mexico City to continue his work there. Meanwhile, I travelled to New Hampshire to be with a long time friend

who was dying of cancer.

On or about March 12, 1992 Everardo vanished in combat at the Rio Ixcucua, (near Nuevo San Carlos, Retalhuleu). None of his fellow combatants saw him fall. There was simply a hail of bullets, smoke, and confusion. The combatants took cover, and when they looked up a few minutes later, Everardo had simply disappeared. There was no trace of his body, his boots, or his back pack anywhere. He was the only U.R.N. G. combatant missing after this skirmish. No one else disappeared during these several days, or near the Rio Ixcucua. The next day, the army announced that its troops had discovered a cadaver in olive green uniform with a rifle, at the Rio Ixcucua after the combat, and had sent it to Retalhuelu for an autopsy and burial. Small but vague articles appeared in the press, and no name was given. After that, there was no further word in the press or from the army.

The U.R.N.G. leadership notified me immediately that Everardo had disappeared, and I promptly travelled to Mexico City for more information. All of us were somewhat perturbed by the vague and somewhat contradictory press bulletins. Everardo had been in the mountains for some seventeen years at the time of his disappearance, and was a top ranking Commander, as well as one of the founders of O.R.P.A. His face was surely very well known, through intelligence sources, to the Guatemalan army. Moreover, the contents of his backpack, (maps, codes, medical supplies, correspondence, battle plans, cash etc.) would certainly have informed the army that this was no ordinary combatant. Normally, the death of a U.R.N.G leader of this stature would have been headline news as a great military triumph. Yet all was silent after the first few bulletins.

Disturbed, and suspicious that perhaps Everardo had in fact been captured alive, and that a hoax was being carried out by the army to conceal his capture, the U.R.N. G. leadership opened communications with Lic. Ramiro De Leon Carpio, then the Human Rights Ombudsman, and currently the President of Guatemala. He asked De Leon Carpio to contact the G-2 or intelligence division of the Guatemalan army and request forensic photographs, dental records, and fingerprints of the cadaver found at the Rio Ixcucua on March 13, 1992. De Leon Carpio answered by telephone that the army claimed that no such forensic data had been taken. He then sent a letter (May 11, 1992) to the U.R.N.G. giving a precise written description of the cadaver, and stating that the person had been wounded and had shot himself through the mouth. (Copy attached hereto). The description matched that of Everardo feature by feature and to the centimeter, and gave an accurate age range. The possibility that Everardo had committed suicide was not strange. Many U.R.N.G members have committed suicide to avoid being captured alive and tortured by the army. (In some thirty years of war, the army had killed all captured prisoners.) However, it was very unusual for the army intelligence division not to have taken any physical evidence for their files. When I lived in Guatemala earlier, I had been a number of trips to the morgues with family members seeking their relatives. G-2 members were often there first, and we would have to wait until they had finished taking their evidence. (This had happened to friends of Rosario Godoy de Cuevas, for example, when they went to identify her body in the morgue.) Given the contents

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of Everardo's backpack, it was odd indeed that they did not bother to taken any such routine evidence in this case of all cases. Our concern that a hoax was being perpetrated began to mount.

The U.R.N.G. leadership then asked De Leon Carpio to arrange for an exhumation of the body in the grave in Retalhuleu. As no U.R.N.G. member could enter Guatemala openly without risking arrest and/or assassination, the parties agreed that the exhumation should be carried out in Guatemala, and the results sent to Mexico City for verification by the U.R.N. G. leadership as to whether or not the deceased person was in fact Everardo or not. Given the fears of a hoax, the U.R.N.G. did not send detailed physical information about Everardo to De Leon Carpio. They did not trust the army. For similar reasons, they asked that foreign observers be allowed to attend, so as to assure that army pressure or intimidation against the forensic physician would not lead to a falsified report. (In the case of Hector Gomez, for example, the forensic physician was assassinated not long after he filed an accurate but gruesome autopsy report.) Thus if the body in the grave, for example, was six feet tall, and the report stated five feet, the observers could indicate that the report was falsified.

I insisted on attending the exhumation as well, thinking that it quite probably was Everardo in the grave, and wishing to give him a decent burial. All of my friends in the U.S. solidarity network advised strongly against this. Despite the fact that I am not a U.R.N.G. member, they felt that such a public appearance would be quite dangerous. They also reminded me that the Guatemalan authorities are very sensitive about exposure in Washington about human rights violations, as this could lead to economic sanctions. They are thus extremely sensitive to the involvement of foreigners in such matters, and would be likely to cancel or impede the exhumation if they knew of my personal link to Everardo. My own experience in Guatemala confirmed what they were telling me, and so I decided to attend the exhumation, as simply one of the observers, but without stating that I was Everardo's wife.

Arrangements for the exhumation were very slow, despite the urgency of the situation. De Leon Carpio, understandably wished to obtain "courtesy approval" from the army before proceeding. Finally, the exhumation was scheduled for late May 1992, and I flew to Guatemala City with three other U.S. citizens. We spoke with De Leon Carpio the night we arrived, and left the city early the next morning with De Leon's forensic specialist Leonel Gomez. In Retalhuleu we proceeded to the cemetery together with the local judge and his assistant. The "XX", or unidentified persons, are buried behind the cemetery morgue, but the plot in question had been marked pursuant to the cemetery records. Two grave diggers began to open up the grave upon the judge's orders. As they dug, the small area began to fill up with policemen carrying rifles. They stated that the army was sending soldiers as well. As the grave diggers reached the edges of the body bag in the grave a car screeched into the cemetery and Lic. Asisclo Valladares, of the Ministerio Publico, jumped out, running across the other graves and shouting at us. He began by stating that everything must be called off because the matter had not been cleared by his

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office. Leonel showed him all of the papers and explained that it was an international human rights matter and been arranged by his office for months already. Asisclo Valladares then stated that the exhumation must be called off because foreigners were present. I then intervened and said that we could leave and wait in the parking lot. He said that this would not be good enough either; that a U.R.N.G. member must come to Guatemala and identify the body. Leonel explained the arrangements, and pointed out that any U.R.N.G. member would be subject to immediate arrest if he or she publicly arrived in Guatemala. Valladares admitted that this was true, but insisted that a U.R.N. G. member must all the same, attend. He then asked if any of us observers were U.R.N.G. members arriving to identify the body. We said no. He then said that Francisco Villalgran, the public spokesperson for the U.R.N.G. who had signed the correspondence with De Leon Carpio, must come to Guatemala to attend. He then ordered the grave diggers out of the grave, despite Leonel's protests, and stated that he was postponing the exhumation for a few days. Then he asked if any of us were family members of the deceased. Given the large number of police, the furious and somewhat hysterical tone of Asisclo Valladares, and the fact that I had neither an attorney nor an embassy person with me, I did not answer, or try explain that I was a relative but not a U.R.N.G. member. The situation was too tense. As Asisclo Valladares was promising to reschedule the exhumation for a few days later, I decided to first speak with a Guatemalan lawyer as well as the U.S. embassy before answering the question. As it turned out, the exhumation was never rescheduled, despite numerous inquiries by the U.R.N.G. leadership.

By the end of the summer, I was convinced that Everardo was indeed dead, although I was not sure how he had died or where he was buried. I thought it was possible that he was buried in the Retalhuelu grave as reported, but that his body had been mutilated by the army and for this reason the authorities had called off the exhumation. I also thought it was possible that he had been captured alive by the army. Based on my experience in Guatemala, I assumed that if this were the case, he had long since been tortured to death. I had known many, many people in Guatemala to be dragged away by either the death squads or members of the armed forces. With the exception of those who miraculously escaped during the first month or so of captivity, none ever returned alive. They either vanished forever, or their battered bodies arrived in the morgue, bearing grim signs of torture. Too much time had elapsed for me to hope, with any realism, that Everardo was still alive. Or so, at least, I thought. As it turned out, I was wrong.

In early 1993, however, I was contacted by the U.R.N. G. and invited to interview a young man named Santiago Cabrera Lopez. Santiago had been a combatant in my husband's frente (the Luis Ixmata frente) and was also known by his nom de guerre of "Carlos". He was captured by the Guatemalan army in 1991 together with "Karina" or Anastasia Lopez Calvo. I interviewed him in Mexico City for a number of hours and found his story to be quite coherent and consistent. Santiago told me that after his capture he was severely beaten by members of the army and was later placed in a pit in the floor of a military installation, together with Anastasia. Later, he spent months chained hands and feet to a bed. Other prisoners were sent in to brow

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beat him and to break his moral. He was taken to identify friends in the morgue. He was told that if he tried to escape that not only would he be hunted down and killed, but that his family would be killed as well. He would then be forced, under threats of further torture, to give information to army intelligence officials. These threats were acted upon. For example, on one occasion, Santiago was unable to identify a certain prisoner to the army's satisfaction, and he was therefore subjected to torture with electrical prods.

There were many other prisoners of war in the same circumstances. The army did not kill them but kept them under constant fear and abuse to force them to work with military intelligence. Apparently, the goal of this system was to "break" the prisoners psychologically so as to convert them into a secret cadre of army informants. (This was successfully done in the famous case of Father Pellecer in the early 1980s). Santiago decided that his only chance for an escape lay in pretending to be a model prisoner, giving away information that would not result in the death of another compañero or companera, and pretending that he had switched allegiances and was now truly with the army. In the end, this was indeed how he managed to escape, first being placed in uniform, then receiving wages, finally working with less and less of a guard, and in the end gaining freedom to leave on short trips. From one such trip he simply never returned, fleeing the country instead. He dared to flee because he knew his family was safely out of the country as well.

Santiago also reported that on March 12, 1992 he saw my husband dragged into the military base of Santa Ana Berlin, where he himself was being held at that time. Needless to say, he recognized his own commanding officer quite well. He saw Everardo a number of times over the next several weeks, bound to a bed and undergoing interrogation. He saw army officials waving a gun at my husband and shouting that he had no right to live. He also heard other officials stating that no one should know who the prisoner was, and that everyone thought he had been killed and buried. Some of the prisoners were sent in to pressure my husband into talking. After approximately a month Everardo was taken away. In late May the prisoners were told he had attempted to escape and had been killed. They were warned never to speak of him. The officials were watching the prisoners' faces, deciding who was truly loyal to the army, and who was still loyal to the U.R.N.G. forces.

In late July of 1992, Santiago saw my husband again, this time in the base #18 of San Marcos. The prisoners are rotated from area to area to gather further information. (Evidently Everardo had been held for some time in the military base of Ouetzaltenango.) This time, Santiago saw my husband lying on a metal bed. He was stripped to his underwear and his entire body was terribly swollen. One arm and leg were heavily bandaged. He was speaking, but in an abnormal voice. There was a green gas tank next to the bed. The army officers carrying out this torture told Santiago to leave the room immediately and never tell anyone what he had seen or he would be killed. A doctor had been sent for to make sure that my husband did not die. With all of the information he has, as a founder, a comandante, and a combatant with 17 years of experience, the goal was to break my husband and force him

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to talk. They did not wish to kill him. Indeed, Santiago saw him alive a short time later. My husband was being interrogated. The swelling had gone down and his voice was normal. Santiago could not see his arm and leg, as these were concealed by the army uniform he was wearing. Not long thereafter Santiago was sent away on a mission with the soldiers, and when he returned, Everardo had been taken away. Santiago escaped the country in late 1992.

A second prisoner, "William", (Jaime Adalberto Augustin Recinos) escaped from a different part of the country at about the same time. Although he did not see my husband, he heard his guards referring to "Everardo". Santiago and William together were able to name thirty five other captured U.R.N.G. combatants, as well as my husband, whom they had personally observed under secret detention in the hands of the Guatemalan army.

The officials named by Santiago as directly involved in the detention and torture of my husband are the following:

1. Coronel Barahona was the leader of the army unit which captured Everardo.
  2. He was interrogated by specialists named "Chato" (or Kaibil) and Capitan Laco.
  3. He was also interrogated and threatened by Major Soto of G-3.
  4. Coronel Julio Alpirez and Major Mario Sosa Orellana were in charge of his detention.
  5. Specialist Juan Jose Orozco Giron was sent for the oxygen tank.
  6. Specialist Simeon Cum Chuta sent Santiago into the infirmary with the typewriter, and clearly knew what was going on in there.
  7. Coronel Alpirez and a G-2 specialist named "Gualip" were seen by Santiago torturing my husband.
  8. Specialist Rene Jimenez Gonzalez was questioning my husband about a tape of the Voz Popular shortly after the torture session.
- The complete list of names is included in Santiago's affidavit, attached hereto.

Santiago and William travelled to Geneva Switzerland in February of 1993 and presented their testimonies to the United Nations Commission on Human Rights. I immediately filed writs of "Exhibicion Personales" with the Guatemalan Supreme Court. These were to no avail, the official response being that the Guatemalan army claimed they had no such prisoners. Shortly afterwards, however, three of the prisoners, including Anastasia, were presented alive on Guatemalan television, stating that they had voluntarily joined the Guatemalan army. In March 1993, I testified to the Inter-American Commission on Human Rights of OAS. Santiago's testimony had been videoed in advance and was also shown.

Numerous letters of protest were then sent to Presidents Serrano and De Leon Carpio from human rights organizations, religious organizations, and various members of the U.S. Congress and Senate. The only response from the Guatemalan authorities was to insist that the prisoners were not in their custody and that William and Santiago were lying.

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Given this situation, I returned to Guatemala, obtained the services of a Guatemalan attorney, and filed for an exhumation of the body buried in the Retalhuelu cemetery. The original file in the Human Rights Ombudsman's office, containing De Leon Carpio's telephone notes and correspondence could not be located. I did, however, see the judicial records from the original case filed the year before. These were sealed, but as a family member filing directly for the exhumation, I was entitled to read them.

Leafing through the first few pages, I found the report of the Juez de Paz (Justice of the Peace) who was brought out to the Rio Ixcucua by the army to recover the body. (The photos in the press show him surrounded by soldiers, standing over a cadaver. The face of the cadaver cannot be seen.) As I began reading the report, my heart skipped a beat, for it gave exactly the same, detailed, feature by feature description as that contained in the 1992 letter signed by De Leon Carpio. Reading on, I noted that the report gave even more highly detailed information, including the number of bullet bags, the number of bullets in each bag, the canned food in the back pack, the contents of the pockets, etc.etc..The document even described the cadaver's underwear as bikini style, white with horizontal blue lines. I was quite impressed with all of the careful detail until I reached the line that stated "SCARS AND MOLES; NONE".

My husband had been in active combat for seventeen years, and he is quite literally a human museum of battle scars. He has an old scar on his upper right lip, faded but clear, from a fall over a cliff. Since he had no mustache, this would have been quite visible to any physician. Everardo also has a very thick and long scar on his left arm from a deep gash. On his chest, just over his heart, is a large round scar about the size of a silver dollar from a piece of shrapnel that bounced off his breast bone. He was shot through the upper back (shoulder area) with shot gun pellets, a number of which are still embedded in his body. He has a bad scar on one leg perhaps from a bullet, and numerous scars across both legs from shrapnel and fragment wounds. If the Juez de Paz looked at the cadaver in question closely enough to see what kind of blue lines were on the underwear, he would certainly have seen at least some of these very clear and severe scars. Obviously the Juez de Paz never saw my husband's body out there at the Rio Ixcucua at all. Instead he saw a different cadaver in olive green, and was given a pre-written description by the army to sign and file with the courts.

I spoke later with some of the journalists who were present that day. They told me that no one was allowed close to the body, no one was allowed a close up photo of the face, and no one was allowed to investigate the area. They were instead, given an official version by the army members present. I asked if the civilian officials were allowed to look around. The journalists just laughed and said no. I cannot name these journalists for fear of endangering them. One of them was severely battered and hospitalized recently.

The next document of interest in the files was the autopsy report filed by the official Retalhuelu forensic physician. He in fact had filed two documents: one with the death records in Nuevo San Carlos,

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noting the death of a person in olive green, March 13, 1992, at the site of the combat (filed March 1992). The second, filed March 1992 is the actual report of the autopsy which the doctor performed on the body in question on March 13, 1992, the same day it was brought in from the Rio Ixcucua by the authorities. By law, the autopsy and burial of an identified body had to be carried out within twenty four hours. According to this autopsy report, the body brought in from the river was not that of a person in his thirties, nor was he 1.60 meters, nor dark skinned, nor clean shaven. Rather, the deceased was in his twenties, was 1.55 meters, had a mustache, and had medium toned skin. Moreover, the deceased had turned up ("achinados") eyes, and a scar on one hand. My husband does not have this scar, nor does he have tilted up eyes. The physical description was, in short, of a completely different person than my husband. Moreover, it flatly contradicted the description given in the May 1992 letter signed by Ramiro De Leon Carpio. More startling still was the discrepancy with regard to the cause of death. According to the De Leon Carpio letter Everardo had received a bullet wound in the back and had then shot himself through the mouth to avoid being captured alive. According to this autopsy report, the person had been tied by the ankles, had been fingerprinted (he had black ink on his fingertips), shot, stabbed, battered, had a 2 centimeter strangulation wound around the throat, and a skull crushed by blows. The cause of death is listed as "contusions to the head and thorax" and strangulation. Clearly, this young man had not committed suicide.

On August 17, 1993 I proceeded with the exhumation of the Retalhuleu grave where the body in question was buried. Present were the same Retalhuleu judge, the official forensic physician who had performed the 1992 autopsy, Mary Grandfield from Consular Services at the U.S. Embassy, my lawyers, the cemetery administrator, representatives of the Ministerio Publico and the Department of Health, the police, and numerous other Guatemalan officials. We proceeded to the small uneven area behind the morgue where the unidentified bodies are all buried. The cemetery administrator had marked the spot where his records showed the correct grave to be located. Unfortunately, given that graves are extremely close together, together with the uneven and untended grounds, it is very difficult to measure off the spaces with precision. As a result, the first grave opened was the wrong one, (although it turned out to be immediately next to the correct one) and contained a body in civilian clothing with an intact skull.

The Retalhuleu forensic physician, holding his 1992 autopsy report in his hand, immediately noted that this was not the correct grave. Nevertheless, the head was lifted out of the grave and handed to me in a bucket to examine. It was not that of my husband. The head in the bucket had a metal cap on one front tooth. Everardo has no such caps on his teeth. Also, the spacing of the teeth was quite different. At this point, the authorities had to decide whether to dig open the grave immediately above or immediately below the first one. They dug just above it and found another cadaver in civilian clothes. The skull was intact, although it had a bullet imbedded in one side. Again, the forensic physician indicated that this was not the correct body, and again, the head was brought up in a bucket for my inspection. The

skull was missing a front tooth. Everardo is not missing a front tooth. I asked my forensic doctor, Dr. Michael Charney, if it was an old extraction or inflicted at the time of death. He examined the jawbone and pronounced the extraction quite old. Finally, the grave just below the first one was opened. It contained a body with a severely smashed skull, buried with an olive green U.R.N.G. uniform. I am about 5 feet 3 inches tall, and my husband is perhaps a half inch to an inch shorter than I am. The body in the grave was far smaller than I am. Also, the uniform was of a person quite slight in build, which my husband is not. The Retalhuleu forensic doctor confirmed that this was the cadaver brought in from the Rio Ixcucua the year before, and upon which he had performed the autopsy. (The slight size, the olive green uniform, which is unusual in that area, and the terrible head injuries made the recognition easy.) The cadaver was then carried into the morgue. Although the upper part of the skull was in pieces, I could see that the upper front teeth had two metal caps or coronas, which my husband does not have. Dr. Charney examined the pelvic bones of the cadaver and estimated the age at the time of death to be between eighteen and twenty. There is a range of error of approximately five years. However, Everardo was nearly thirty five when he vanished. Clearly, the body was not my husband's.

I then made arrangements to bury the young combatant in the coffin I had bought for Everardo. Because he remains unidentified, I was not permitted to move his body to the small grave plot I had purchased in the legal part of the cemetery. I had to rebury him amongst the XX graves behind the morgue. I did, however, have a small tombstone erected which reads "XX, ?- 12 Marzo 1992, Presente en Ia Lucha". I returned later to be sure the tombstone had actually been erected. It was in place. Also, the day after the exhumation, I returned to the cemetery with a priest who gave a moving mass for all of the XX victims buried in the graves behind the morgue.

Having finished in Retalhuleu, I returned to Guatemala City and reported my findings to Marilyn MacAfee, the U.S. Ambassador to Guatemala. She had previously been concerned that even if the cadaver in the grave turned out not to be that of my husband, that I would have difficulty establishing that Everardo had ever been in the hands of the army in the first place, as the officials were insisting that the witness was lying. I showed her the May 1992 letter signed by Ramiro De Leon Carpio and read her the description it contained, while she looked at Everardo's photograph. Janet Hawkins of the Harvard magazine was with me during this meeting. I pointed out that if the army never had Everardo in the first place, then why did they send his description when asked for a description of the cadaver? Also, if they never had him in the first place, where did they get the feature by feature, to the centimeter accurate description from, and why did they send it? Surely they did not happen to simply guess every feature in my husband's face, together with his height, build, age, and lack of beard or mustache? Ms. MacAfee requested all the information to be presented in writing, and agreed that the evidence was compelling. She also agreed to ask the Minister of Defense, General Mario Enriquez, to meet with me.

I was in fact able to meet with General Mario Enriquez a few days

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later in the Casa Crema. Susan Lee accompanied me to this meeting. We spoke briefly about the case, and I urged that all thirty six known prisoners be turned over to the Guatemalan courts for fair trials and treatment in accordance with the requirements of international humanitarian law. Alternatively, I asked for them to be placed in a publicly recognized center for prisoners of war, and treated in compliance with the Geneva Conventions. In return, I offered to avoid further public scandal, and to refrain from filing any further charges against the army.

General Enriquez replied that the army never captured my husband and that it was all a tragic misunderstanding. He said that his troops had found a cadaver in olive green at the Rio Ixcucua, and sent it to Retalhuleu for burial. I myself admitted that this was not my husband. Thus the army never had him in the first place. Perhaps he was off on some secret mission somewhere. I showed him the letter signed by Ramiro de Leon Carpio, who was currently the President of Guatemala. I asked him where such a perfect description of Everardo had come from if they never had him in the first place? And why had they sent this description instead of a description of the young man actually found and buried? Enriquez was startled by my response and unable to answer my questions.

General Enriquez then stated that "many other" people were saying that the guerrillas must have switched the body in the Retalhuelu grave in order to make the army look bad. I pointed out that the autopsy was carried out the same day that the body arrived from the Rio Ixcucua, and prior to burial. A good description of the deceased was possible as decomposition had not yet set in. The autopsy report described a person totally different from my husband. The cadaver was never that of my husband in the first place. Moreover, the Retalhuleu forensic physician was present at the exhumation, holding his own 1992 autopsy report in his hand, and clearly stated that the body in the grave was the same one he received on March 13, 1992. As combat had been unusual in that area, cadavers in olive green uniform were uncommon. Moreover, the small size and unusually brutal head injuries made recognition easy. Again, General Enriquez listened uneasily to my response and was quite unable to explain any of the issues I had raised.

General Enriquez closed our meeting by stating the only the subversives claimed that secret prisoners or prisons existed in Guatemala. I asked if he were referring to subversives such as Diana Ortiz, for example, the U.S. citizen nun who had been abducted and tortured in a clandestine prison by Guatemalan authorities. Enriquez did not respond. I again offered to refrain from further charges and international scandal if the thirty six prisoners were presented in a public and legal detention center, protected from any torture or other physical or psychological abuse, and given access to doctors, family members, and human rights organizations. Enriquez simply insisted that no such prisoners existed. Thus we parted.

The OAS Inter American Commission on Human Rights was in Guatemala during the first week of September 1993 and I gave them my full testimony about the exhumation results and my findings from the

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judicial records, including the 1992 autopsy report.

I also went on a seven day hunger strike, starting approximately the 7 of September 1993. I positioned myself in front of the Polytechnica with thirty six candles for the thirty six prisoners, and four banners. One asked where Everardo and the thirty six prisoners were. The second gave all of their names. The third stated that human rights apply to everyone. The fourth asked "Are you the new army or not?" This referred to the army's claims that under the new president De Leon Carpio, all of the human rights abuses had ceased, and they were the "new army" meriting international respect and support. I stayed day and night there on the Avenida Reforma for a week straight and drank only water. Numerous Guatemalans passed by waving and clapping and shouting "Animo Senora" and "Bamaca Bamaca!" ( my husband's last name). They also stopped to visit, bringing flowers, their children, jugs of water and saline solution, candles, books, prayers and hugs. They told me of their own lost loved ones, dragged off long ago and disappeared by the death squads, and told me I was speaking on behalf of many who could not speak for fear of reprisals. Despite all of this, I received no official response at all from the Government. President De Leon Carpio informed the press that he wished to meet with me. I called daily offering to meet with him privately at any time and at any place. This was never arranged. At the end of the week De Leon told the press he wanted to meet with me but of course could not do so out there in public in front of the Polytechnica. He never mentioned my numerous calls and offers to meet with him in private. His fear of the army was quite clear. Only a few weeks earlier his own cousin, Carpio Nicholle had been assassinated by a large group of masked men with military style rifles on a remote road near an army base. Since that time, the president had reversed almost all of the human rights positions he had held during his time as human rights Ombudsman.

I returned to Washington D.C. after the hunger strike and began to inform the different human rights organizations, as well as members of the United States Congress and the Senate. The Inter American Commission issued interim protective orders against the Guatemalan army, requiring, among other things, that a serious search be made for the prisoners and a report filed back with the Commission in thirty days, describing the results of such search. Given the Guatemalan army's insistence that there is no internal war going on in Guatemala, the Commission was careful to refer only to "prisoners" and not to "prisoners of war". The Guatemalan authorities responded to the Commission after sixty days, stating that there was no war ongoing in Guatemala and therefore no such prisoners of war existed, that all criminals were turned over to the courts, and that the interim protective orders were therefore unnecessary and inappropriate. I spoke with the International Red Cross, which has limited power in Guatemala, as the Guatemalan government refuses to recognize an ongoing war, and has also officially rebuffed the organizations offer of "assistance and services". I also addressed the United Nations Human Rights Commission in Geneva, Switzerland during their February 1994 session. Monica Pinto, the U.N. Special Expert for Guatemala, mentioned the case specifically in her presentation to the Committee during that session. I also addressed the U.N. Committee on Forced

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Disappearances during their 1994 session in New York. The members promised to immediately contact the Guatemalan authorities. Meanwhile, U.S. Representative Connie Morella introduced a Congressional Resolution which specifically included my husband's case. The same resolution was introduced into the Senate by Senator Patty Murray.

In the face of all of this pressure, the Guatemalan army was unable to come up with any reasonable explanations about the case. Since the exhumation, they have given the following arguments, none of which work:

1. They claim they never had Everardo in the first place. But then where did the perfect, feature by feature to the centimeter accurate description of him come from and why did they send it?
2. They claim that the U.R.N. G. must have switched the body in the grave to make them look bad. However, the March 13 1992 autopsy was performed as soon as the body arrived from the Rio Ixcucua, and prior to the burial. The body was never that of my husband in the first place. The features, height, coloring, beard, age and scars are those of a person quite different from my husband. Also, the forensic doctor from Retalhuleu was present at the exhumation in August 1993 and confirmed that the body found in the grave was the same as that brought in from the Rio Ixcucua on March 13, 1992.
3. The army has also claimed that the U.R.N.G. faxed the description of Everardo to De Leon Carpio's office back in 1992. However, I have a copy of the letter sent by the U.R.N.G. leadership. It gives Everardo's name, date of birth, height, and states that he was "dark". They sent no further details because they believed a hoax was being carried out. The De Leon Carpio letter, on the other hand, gives a description of the shape of his face and forehead, his hair, eye brows, nose, lips and build. Where did all these additional details come from?

More importantly, the U.R.N.G. asked for a description of the cadaver found by the army on March 13, 1992. Why did the officials send a description of Everardo instead of the cadaver, which was so different? What objective could exist other than to carry out a terrible hoax?

4. Finally, the army officials speaking with me have tried to suggest that De Leon Carpio's description must have come from "somebody else" other than the army. However, since the body was buried within twenty four hours, there are very few others who saw it prior to burial. These others are all easily ruled out. The following are the alternative sources of the first hand description:

- a. The Justice of the Peace initially was taken by military officials to the combat site to see the body. He gave the report I described above, similar to that of De Leon Carpio. It states the precise type of underwear the cadaver had on, plus an highly detailed description of the face, yet states "scars and moles none". Clearly, this Justice of the Peace never really saw my husband's body out there at the Rio Ixcucua. He saw a quite different cadaver, but signed the pre-written

report he was given to sign by the army.

b. Members of the National Police were present and helped transfer the cadaver to the morgue in Retalhuleu. But where would they get such an accurate description of Everardo from? The cadaver found was completely different in appearance from my husband. Also what motive could there be for falsifying the description? The police did not take Everardo prisoner. They did not participate in the combat at the River. Moreover, Santiago saw Everardo in the hands of the army, not the police. The police had no motive in issuing a false description of the cadaver other than to help the army cover up an abduction and illegal detention.

c. The official Retalhuleu forensic physician who performed the autopsy on March 13, 1992 is the only civilian to see the cadaver outside the presence of the army officials. The physician described someone completely different from Everardo. The body found in the grave in 1993 matches this description.

d. The Guatemalan army members are the only other people to see the cadaver prior to burial. They certainly would have the motive to falsify the description of the body if they were illegally detaining and torturing Everardo. Moreover, Everardo vanished in a combat with the army. The witness saw Everardo in the hands of the army on numerous occasions. The De Leon Carpio letter was written in response to a U.R.N.G. request to seek forensic photographs and fingerprints of the cadaver from army intelligence. The description sent in no way matches the autopsy report or the body found at the Rio Ixcucua or in the Retalhuleu grave.

In short, the original source of the disinformation can only be the Guatemalan army. It is possible that this disinformation was sent to an intermediate source, which in turn sent it on to De Leon Carpio. But the original source remains the Guatemalan army.

By late January of 1994 the Minister of Defense, General Enriquez began to show signs that some of the international pressure was taking effect. I met with him once again in the Casa Crema, together with Colonel Merida who at that time was the head of G-2 or army intelligence. We began the discussion with the same defense arguments I have outlined above. I explained why none of these arguments were reasonable. I also repeated my efforts to convince them to present the prisoners to the civilian courts of law. In return, I offered again, to cease my lobbying efforts in Washington as well as to legally waive all of my charges against them. They insisted that they did not have Everardo, but were extremely interested in my offer of a discrete and mutual solution. They kept suggesting that perhaps he was on a secret mission, or had perhaps gone to look for me in Texas. When I responded that this was impossible, they looked quite disappointed, as if I had missed an important cue. For the rest of the week I mulled over these conversations, wondering what I had missed, and what the look of disappointment had meant.

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After thinking over the various comments, it occurred to me that perhaps these officers did indeed want to resolve the case, but that they were unwilling to admit, even in private, what they had done. What they wanted was some way to give Everardo back without ever having to admit that they had taken him in the first place. For this reason they were urging that he was on a "secret mission" or on his "way to Texas". They wanted him to reappear under some pretext that would show he had never been abducted or abused, and that it was all a "misunderstanding". They wanted a face saving way out of the problem. I was, and still am, willing to allow them a pretext of this nature in order to save my husband's life.

In order to test my hunch, I went to the G-2 office in the National Palace and asked to speak with Col. Merida. He was out of the country, but his second in command received me, somewhat nervously. The man began by berating me about my book but I stopped him and said I was there to correct a potential "misunderstanding". I said that I was convinced that my husband was in the hands of the army, for the reason that I had given. However, should he appear alive in Texas stating that he had changed his mind and wanted to live in the States with me, I would welcome him with open arms. I would also legally waive all claims against the army, as well as inform the Congress and Senate that the matter had been happily resolved. Until he appeared alive, I would continue to fight for his life with all of my might. But if he did appear alive, I would stop all of my efforts. I simply wanted to make it clear that I was not part of a "propaganda stunt" and that all my efforts would halt as soon as Everardo reappeared alive. The G-2 officer's attitude changed dramatically with these comments. He relaxed, became more friendly, poured me coffee and told me that I was a most intelligent woman. He also commented that this is what they had always supposed...that "one" would certainly want to be with "one's family" and that Everardo had perhaps gone to Texas. I reported this interesting series of events to Marilyn MacAfee, the U.S. Ambassador. She found it promising and arranged for a last minute meeting with Enriquez the next morning. Although it was a Friday evening and he was leaving the country on Sunday, he agreed to meet with me on Saturday morning.

Once again I went to the Casa Crema. Enriquez welcomed me quite warmly, and said he had heard of my visit to the G-2 office and that he always had time to meet with me. I repeated that if Everardo showed up alive in Texas or anywhere else, that I would drop all charges and advise both the Congress and Senate that the case had been fully and satisfactorily resolved. The uproar over the case would cease. We could all come out "winners" or we could all come out "losers". I urged that given the new peace process possibilities, that we should work hard for a mutually acceptable solution.

General Enriquez listened quite carefully and agreed that a mutual solution was most preferable. He also stressed that I was most intelligent and honorable, and that he now realized that I was not a subversive propaganda stunt after all. He stated that given his respect for me, he had already ordered his intelligence divisions to carry out a sweep of the U.R.N.G. areas and to find Everardo. We spoke of the different possible scenarios. Perhaps he was wounded and became

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disconnected from his troops. I nodded. Perhaps, Enriquez offered, he was fighting with the CPRs (civilian resistance populations which the army has bombed for years, and which are now seeking international protection as civilians). I answered that he could not possibly be with the CPRs, indicating that this would not be an acceptable alibi. Enriquez looked disappointed, but dropped the suggestion, and stated that with the sweep he was confident that Everardo would be found and that the case would be happily resolved. He put his arm around my shoulders and walked me to the door, stating that he hoped to one day be present at our children's baptism. He then kissed me on the cheek in front of his troops in the courtyard.

I saw General Enriquez two days later in Washington D.C. in Ambassador Mulet's official residence. The occasion was a reception for the local human rights community as well as a number of Congressional assistants. General Enriquez was of course present, as were representatives of EPICA, Americas Watch, Guatemala Partners, NISGUA, and the Guatemala Human Rights Commission. So was Deb Hauger from House Foreign Affairs, and Col. Keller, the new military attache in Guatemala.

General Enriquez began by giving a small speech, during which he admitted that the army had committed some excesses, and thanking the human rights community for pointing these out. He also mentioned that he was pleased to see me again so soon, and how much respect he had for me. He appeared to be quite nervous and tense. Instead of having everyone sit down together for a discussion, the arrangements were that General Enriquez circulated informally from group to group in the room, chatting. I listened to him speaking with Anne Manuel at one point, and asked him about my case. He said that if I could just tell him where my husband was being held, he would take me there himself and set things straight. This is similar to his other on the record comments and did not surprise me at all. I answered that I could certainly not guess where the army was hiding and torturing my husband, and that responsibility lay with the army. Anne Manuel then asked if the army was going to do something, or leave it all up to me. For the first time in public, General Enriquez answered that he was in fact ordering a search for Everardo and hoped that he would soon be found. I was surprised and pleased to hear him say this on the record. As he circulated around the room, he repeated a number of times that he fully recognized the importance of this case and that the credibility and prestige of the army were at stake, and that he was making it a high priority to find Everardo, and clear the matter up for once and for all. He repeated a number of times that he was ordering a search, and stated that now that Everardo's photo had been published together with mine in my book, that they knew who to look for, and that this would be of great help. This comment amused me, as Everardo's photo had been published repeatedly in the Guatemalan press for some time. He spoke confidently of finding Everardo, and seemed to wish to reassure everyone in the room that the matter would soon be properly resolved. Deb Hauger approached me and said that he had just taken her aside and said that he thought Everardo was probably still alive, although "of course he didn't know". At another interval, he said that he much hoped to one day see Everardo and Jennifer in Texas, living happily ever after. (Pat Davis of the G.H.R.C./ USA heard this



comment. ) In his closing speech he again stressed his respect for me, and repeated that he recognized that the case was urgent and critical to the credibility of the army. He stated that the army was going to carry out an intense search, and indicated his confidence that Everardo would be found, and his hopes to see us living happily together again. I was, needless to say, very happy with all of these public declarations. The fact that he was willing to go on the record with such confidence and openness about the "search" and hint so broadly and confidently at a happy ending convinced me that without a doubt Everardo was still alive. A number of other human rights people began to congratulate me. A U.S. military staff person kissed me on the cheek and told me he was proud of me. General Enriquez left, murmuring to me that he would be in touch soon through the Embassy. A few days later, at a hearing before the Inter American Commission of Human Rights, one of Mr. Guadamuz's assistants told me not to worry, that the Minister of Defense had said he would take care of things.

I waited until May to hear back from General Enriquez. Instead of word about my husband, however, I heard constant rumors of an imminent coup. There were obvious signs of internal instability. Colonel Merida left the army and ended up in Ministry of Government. General Quilo left the army abruptly. In February, at the U.N. Commission hearings in Geneva, a number of Guatemalan civilians arrived to testify about ongoing human rights violations. All were frightened and had been receiving threats, and all were expecting an imminent lifting of constitutional rights pursuant to a "state of emergency". The state of emergency was not declared, but instead, after much pressure, De Leon Carpio "invited" the army in to help maintain order in the streets. Human rights violations began to escalate alarmingly.

Given this alarming turn of events, I returned to Guatemala in May 1994 and again went to meet with General Enriquez. This time he appeared much less self confident than he had in January. However, we again had a tacit bargaining session. He told me that perhaps Everardo would appear when the international verification team arrived. I pointed out that the verification team would never find him, since the army would move him as soon as the verification team even approached his detention area. The army does, after all, have radar, sentry, and other advanced surveillance and security methods at their disposal. It would be hard to sneak up on a military base in the most militarized country in the world. By the time the international team even drew near, Everardo would be evacuated by either helicopter or vehicle. I stated that this offer was not satisfactory. Enriquez then took my arm in his hand and said that he was not suggesting that the verification team find Everardo. He was suggesting that Everardo might be lost or disconnected from his troops, and when he heard that the verification team was nearby, he would have the necessary trust to turn himself in to them, for protection. Again, I stated that if he turned up alive, I would question nothing, and sign a legal waiver of my rights to file an charges or claims against them. I would also inform Congress and Senate of the happy resolution of the case. He again complimented me on my intelligence and noted that everyone liked me, and that this was why the case was receiving so much attention and support. He again indicated his hopes to see a happy ending to the matter. I asked if the thought it was possible that Everardo would find the verification

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team. He looked me in the eye and said, "Yes, it is possible." Then he accompanied me to the door. I left with a sense of unease. He clearly was much less confident than he had been in January, but equally clearly signalling me of the possibility of working things out even yet.

It was during this May trip that I met with my first difficulties with Marilyn MacAfee, the U.S. Ambassador. She had requested in writing that Congresswoman Connie Morella remove my case from the Congressional resolution. Fortunately for me, this request had been refused. MacAfee had not requested the removal of any of the other individual cases. I asked her about this point blank and she assured me that she had always insisted that the case be treated on an equal basis as all the others. I pointed out that her request was in writing and bore her signature. She said she would have to review her files. She then told me I really had no evidence to suggest my husband was still alive. I reviewed the fact that he has a great deal of knowledge and information still valuable to the army, that he is still a good negotiations chip for bargaining with the U.R.N. G., that U.R.N.G intelligence has received confirmation that he is still alive, that several Guatemalans had brought me word of recent sightings of Everardo in the southwest, and of course, General Enriquez' discussions with me. She simply brushed off the confirmation reports and told me that I was putting words in General Enriquez's mouth. She pointed out that Col. Keller had been with him in Washington during the January trip and had not heard the comments I was referring to. Then she stated that she understood my need to keep my hopes up, but again indicated that the general had not made these comments. Pat Davis of the Guatemalan Human Rights Commission/USA was present during this conversation.

Given this discussion, I went to see Col. Keller in office there at the Embassy. I told him that during the January reception I had heard General Enriquez state 1. his respect for me, 2. his recognition of the importance of the case and its urgency for the prestige and credibility of the Guatemalan army 3. his intent to have a thorough search and sweep carried out to find and or capture Everardo 4. how helpful the photo would be in the search and 5. how he looked forward to seeing both Everardo and Jennifer living happily ever after in Texas together. I also mentioned his comment to Deb Hauger that he thought Everardo was probably still alive although of course he didn't know. Then I asked Col. Keller what comments he remembered. He responded that he remembered the same comments. Ms. MacAfee then entered the room and I repeated the entire conversation, again asking Col. Keller what his recollection of the conversation was. He again confirmed that he had the same recollection. Ms. MacAfee had no comment. Pat Davis was also present during this conversation.

I also asked MacAfee during this trip what she had done recently to press the case. She said that she continued to mention it, but that the army insisted they do not have my husband. I asked what consequences would take place if they killed him and the other prisoners in the face of OAS orders, Monica Pinto's clear requirements, and the outcry from Washington and the other international human rights organizations. She stated that there would

be no consequences.

I note that U.S. Vice President Al Gore was in the region during this time frame, pushing the interim trade plan and NAFTA for Central America. Guatemala cannot enter NAFTA until a peace agreement is signed and my case is quite embarrassing for this peace process as it shows 1. The army is not negotiating in good faith if they are urging the U.R.N.G. to disarm and return to Guatemala on the basis of trust, even as the army is secretly detaining and abusing some thirty six U.R.N.G. prisoners, including a founder and comandante. 2. The army is already in violation of the Global Human Rights Accord, signed in March 1994 and already legally in effect. It covers treatment of prisoners.

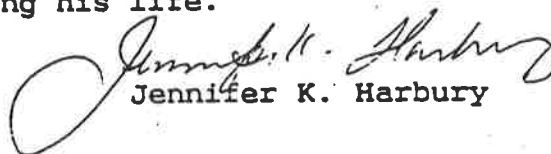
I returned one more time to Guatemala in August of 1994 with the idea of finding out if there was any realistic chance left for negotiating the release of my husband and the other thirty five prisoners. I was not at all hopeful, but did not want to close the door on a potentially peaceful solution to the problem. Unfortunately, things were as I had expected. The army had quite closed the door to any further talks. I went to the Ministry of Defense when I arrived, and spoke with Col. Sandoval as usual to set up an appointment with Enriquez. After a week without any response I went back and asked again for an appointment. He told me the General was in the interior for the week and could not see me. I offered to meet with him anywhere in the interior, or over the weekend. Sandoval said he did not meet over weekends. Enriquez had in fact met with me before on a Saturday. I pressed for a meeting any time or place and offered to stay a few extra days if need be. Sandoval said he would be in touch. A few days later I went to a nearby office to speak with Col. Garcia Sosa about setting up meetings with some of the other Generals. He said that I was required to speak first with Enriquez, adding that "He's right down the hall in the Ministry of Defense". I returned down to the Ministry of Defense but was asked to wait in the hall. Sandoval would not come out to talk to me. Instead he sent out a messenger to tell me to put my request in writing and turn it in at still another office. I asked if Enriquez was there and was told he had just left. I filed my written request as instructed but never received an answer. I also left a long letter at the Casa Crema for Enriquez detailing my offered solutions to the case.

I again spoke with Ms. MacAfee on this trip. She conceded that she had in fact written the letter to Rep. Connie Morella, as I had told her. She justified the request on her belief that funding should never be withheld for an individual case. I told her that this was not an individual case. It was a test case. Was the army going to comply with its human rights agreements or not? Also, she had not asked for the other individual cases to be removed from the resolution. She hesitated, then said that of course this case WAS different as my husband is a combatant. I told her that there was no such difference recognized by international human rights law. She had no response. I had also asked her to accompany me to visit President De Leon Carpio, as she did with Diana Ortiz and others. She told me she had spoken with the President and he stated he was willing to meet with me. I asked her to go with me to show her official support. She was clearly

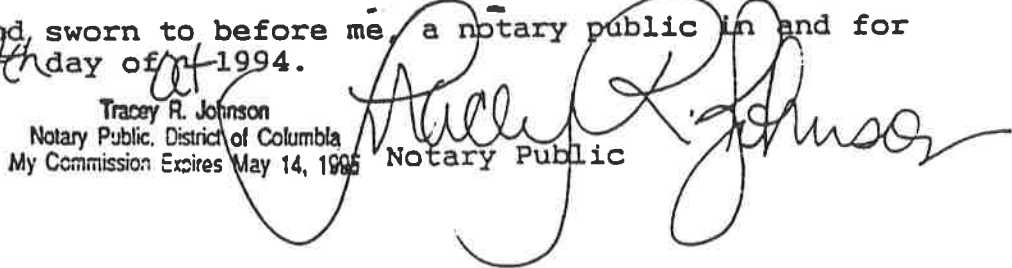
unhappy about this but agreed to do so. For the rest of the week, the Embassy tried to set up an appointment, but the President never did set up a time for us to meet. Ms. Gorman of Consular services noted that he did not in fact seem truly willing to meet with me.

Finally, Ms. MacAfee asked why the U.R.N.G. did not resolve the case at the peace talks. This is a matter we had thoroughly discussed in the past. The issues on the peace talks agenda are all matters of public interest, such as labor rights and equality for the indigenous people. The U.R.N.G. leadership cannot ethically bargain away a matter belonging to the entire people of Guatemala in return for the release of their friend. Moreover, they should not have to bargain with the army for the release of Everardo and the thirty six prisoners to the Guatemalan courts. This is already required by Guatemalan law, as well as international humanitarian law. It is also a matter covered by the Global Human Rights Accord, which as noted above, has already been signed and is now in effect. I have already spoken about this with Mr. Jean Arnault of the U.N. He also sees it as inappropriate for negotiations. We both agreed though, that it could be handled as a separate matter, in a "Gentleman's Agreement." Evidently the army is not interested in this, however. They wish to bargain my husband for more power for themselves.

I am convinced, from General Enriquez' comments in January and June of 1994, that Everardo was alive as of very recently and quite possibly still is. This has been confirmed on several occasions by internal intelligence reports of the U.R.N.G., plus informal reports to me by Guatemalan citizens who tell me they have seen him in the southwest near the army bases. I believe that he is still alive because he still has information which the army needs, and because he is still of value as a negotiating chip. However, I am convinced that time is of the essence is saving his life.

  
Jennifer K. Harbury

Signed and sworn to before me, a notary public in and for  
on this 4th day of 1994.

  
Tracey R. Johnson  
Notary Public, District of Columbia  
My Commission Expires May 14, 1995 Notary Public

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RELEASED IN PART B6

Lawrence Reichard



B6

Dear Mr. Reichard:

Thank you for your letter of August 10 to President Clinton concerning the welfare of Guatemalan citizen Efrain Bamaca Velasquez. I have been asked to reply on his behalf.

Mr. Bamaca, a top field Commander of the Guatemala National Revolutionary Unity (URNG) said to be personally close to guerrilla leader Rodrigo Asturias (aka "Gaspar Ilom"), disappeared after a March 12, 1992 clash with a Guatemalan army unit near Retalhuleu. Shortly thereafter, the URNG made inquiries concerning his whereabouts and learned he reportedly had been buried after the clash in an anonymous grave nearby. In February 1993 two URNG guerrillas claimed in Geneva that they had been held in clandestine Guatemalan Army prisons before escaping. The guerrillas claimed to have seen Mr. Bamaca in March and July of 1992.

The State Department shares your interest in learning more about Mr. Bamaca's welfare and whereabouts. Ms. Anne Patterson, Deputy Assistant Secretary for Central American Affairs, has met with Ms. Harbury to discuss this case. Ms. Marilyn McAfee, the U.S. Ambassador to Guatemala, has done the same. Our embassy continually emphasizes the importance of respect for human rights in its communications with Guatemalan government officials, and we will continue to pursue this and other human rights cases with them.

The grave in Retalhuleu said to be that of Mr. Bamaca has been the subject of two exhumation proceedings. The first such proceedings took place in 1992, with the assistance of the Office of the Human Rights Ombudsman. Then-Attorney General Acisclo Valladares appeared at the scene, however, and suspended proceedings on the grounds that there was no way to identify the exhumed body. Ms. Jennifer Harbury, wife of Mr. Bamaca, contacted the Embassy on March 9, 1993, to request assistance in determining Mr. Bamaca's whereabouts.

DRL  
GUATEMALA

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B1

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A U.S. forensic expert and a Guatemalan forensic team on August 17, 1993 participated in a second effort to exhume the grave in Retalhuleu. Ms. Harbury, a representative of the Consular Section of the U.S. Embassy in Guatemala, and international human rights observers were also present. Following an exhaustive effort, all present concluded that the body in the grave was not that of Efraim Bamaca Velasquez. Guatemalan authorities state that Mr. Bamaca's case will remain open until he is found.

We have no independent information confirming the existence of clandestine Guatemalan military prisons. We note, however, that Human Rights Watch/Americas recently prepared a report documenting several cases in which persons claimed to have been held in secret army jails. We have no independent information regarding the whereabouts of Mr. Bamaca.

Enclosed for your information is a brief paper on U.S. policy toward Guatemala. I hope you will find this helpful.

Sincerely,

Hugh V. Simon, Jr.  
Acting Director  
Office of Central American Affairs

Enclosure: Correspondence returned.

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drafted:ARA/CEN:JConnerley/PWillingham  
cleared:DRL - MCurtin  
:H - MVeloz

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POL SECTION

1992-95 Releasable

Memo/Letters

GUATEMALA

#327226

October 12, 1994

MEMO TO THE FILES

FROM: Ambassador McAfee

SUBJ: Meeting w/Jennifer Harbury

I went down to the Presidential Palace today (10/12/94) to speak with Jennifer Harbury. It was pouring down rain. She had a slicker on and a couple of her companions were hunched beneath a rain poncho. We talked in the rain. Jennifer indicated that she was determined to pursue her hunger strike until such time as the Government produced her husband Bamaca. I told Jennifer that the case of Bamaca continued to be a priority one for us along with other human rights cases and that we shared her frustration at being unable to produce results despite our continued efforts with senior officials in the Government.

Jennifer called for cutting off of any and all assistance to Guatemala including GSP until the Bamaca and other human rights cases are resolved. She said The Guatemalans "only listen to money." I explained that while we pressed very hard on individual human rights cases and refused to accept the impunity that lack of progress in these cases represents, that I also believed it very important to try to advance institutional changes that could bring about improvement in the overall conditions that affect human rights in Guatemala. For that reason I had fought very hard to get Congress to release the funds for the Ministerio Publico to assist the judicial reform program. I said that I knew she did not agree with my position but that people such as Helen Mack did and that we could agree to disagree on this.

Jennifer then launched into accusations of the machinegunning of 14 people in the streets of Guatemala and said that until this kind of flagrant human rights abuse stopped no assistance should be given to this country. I asked what 14 people had been machinegunned in the streets of Guatemala and she referred to what had been reported as gang-related violence back in August. I told her there was no indication of any police, army or government involvement in this and then said "you know, Jennifer, you say that I have changed but I think you have changed. Before we used to be able to have very reasonable discussions of the situation. Now I don't find much reasonableness in our conversations and I'm not sure we are even communicating on the same wave length." I commented that I was an evolutionist and that she advocated radical solutions. I couldn't accept. I assured Jennifer that she could count on support from me personally and our mission and that even if I didn't agree with her tactically perhaps it was important for both of us to be involved with our different approaches in the struggle for respect for human rights in Guatemala.

I also informed Jennifer that the acting director of the UN

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Verification Mission was prepared to see her at my request. She thanked me and said she had been unable to get an appointment with him and would call him. I told her we would keep checking on her regularly and not to hesitate to call us if there were anything we could do. I noticed that there was a sizeable number of police officials on the steps of the National Palace in front of her location so there seems to be an effort to protect her and the other hunger strikers (National Reconstruction Commission members) from any harm.

cc: CONS, POL, DATT  
Rick Nuccio, John Hamilton, Hugh Simon, Peg Willingham

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POL SECTION

1992-95 Releasable

Memorials

GUATEMALA

#327226

Ambassador Marilyn McAfee  
U.S. Embassy  
Guatemala City, Guatemala

Dear Marilyn:

I am writing to forward to you a copy of a letter I recently received from Jennifer Harbury regarding the case of her husband, Efraín Bamaco Velasquez. I am also enclosing a copy of my response to her letter.

I met with Ms. Harbury several months ago, and, like you, have received appeals from a number of interested citizens and Congressional offices regarding the case. I was just informed today that she is now back in Guatemala, and has begun a hunger strike.

I know that you and the Embassy staff have devoted considerable attention to this case, and will continue to do whatever you can to assist Ms. Harbury in finding out what happened to her husband and, if he is alive, in ensuring that he is treated in accordance with humanitarian law.

If you are in Washington, I would enjoy meeting with you to review the situation in general in Guatemala. I hope also to visit sometime in the coming months.

Let me know if there is any way we can be of assistance.

Sincerely,

  
John Shattuck

United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222B1

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United States Department of State  
Assistant Secretary for Democracy,  
Human Rights, and Labor  
Washington, D.C. 20520-7802

October 12, 1994

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# U.S. Woman Hunts for Guerrilla She Married in Guatemala

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By STEVEN GREENHOUSE  
Special to The New York Times

WASHINGTON, Oct. 8 — For a while Jennifer Harbury, a Harvard Law School graduate, led a life right out of a romance novel: she crisscrossed Guatemala's jungles and mountains to gather material for a book and she married a commander in the leftist guerrilla movement.

But the improbable romance of this soft-spoken New Hampshire woman and the dirt-poor guerrilla has turned into a heartbreaking mystery.

Six months after their wedding,

Guatemala's military announced that her husband had killed himself, presumably to safeguard the rebels' secrets, after being wounded in battle in March 1992.

She grieved over his death, but early in 1993, two guerrillas brought stunning news. They told her they had seen her husband in June 1992 in a secret military prison.

Since then, Ms. Harbury has pressed Guatemala's military to tell the truth about her husband, Efraín Raimundo Velásquez, whose nom de guerre was Everardo. In a country where the military has killed an estimated 100,000 people in 30 years

fighting the guerrillas, she has refused to be intimidated.

She has met with Guatemalan generals. She has conducted a six-day hunger strike in front of Guatemala's military academy, the reported site of an underground prison. And she was permitted to exhume the body in the grave where the army said her husband was buried. The body was not her husband's.

"I believe they're holding Everardo as part of an experimental project to torture guerrilla prisoners until they snap," said Ms. Harbury, who is 42. "The idea is to keep them alive so the military can force them

to become informants."

Her big fear is that even if her husband was alive when the two escaped guerrillas saw him, the military may have since killed him. "I think there's a 75 to 80 percent chance he's still alive," said Ms. Harbury, who has moved to Washington because she sees it as the best place to press her cause.

She has rallied some prominent people to her cause. Former President Jimmy Carter, three Senators and more than two dozen House members have warned the Guatemalan Government that maintaining clandestine prisons would violate

the Geneva Conventions.

Guatemala first caught Ms. Harbury's attention in the 1980's when she was a lawyer in Texas representing migrant farm workers. She encountered hundreds of immigrants from Guatemala who told of killings by the military.

She went to Guatemala to study the situation and stayed to research a book. After a six-hour trek up the side of a volcano, she met her husband-to-be at a guerrilla camp.

Her recent hopes that he has survived were increased by the exhumation. An anthropologist found that the man buried there was about 18 and had two caps on his teeth. Everardo had no caps on his teeth and, if still alive, would be 37. The army

said Everardo had shot himself in the head; the corpse had no such head wounds.

Making matters murkier, she said the Defense Minister, Gen. Mario René Enriquez, told her recently: "This is all a tragic misunderstanding. We must not have captured him in the first place. One day we'll do a thorough sweep of the jungle and find him for you."

Guatemalan officials insist that the Government has come clean on human rights. As evidence, they note that the new President, Ramiro de León Carpio, used to head Guatemala's leading rights organization.

But Ms. Harbury remains convinced that hard-line elements in the military maintain secret prisons.

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The New York Times

Oct. 14

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United States Department of State  
Office of FOI, Privacy, & Classification Review  
Review Authority: MOSKOWITZ, SAM  
Date: 08/18/95  
Case ID: 951222/1

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